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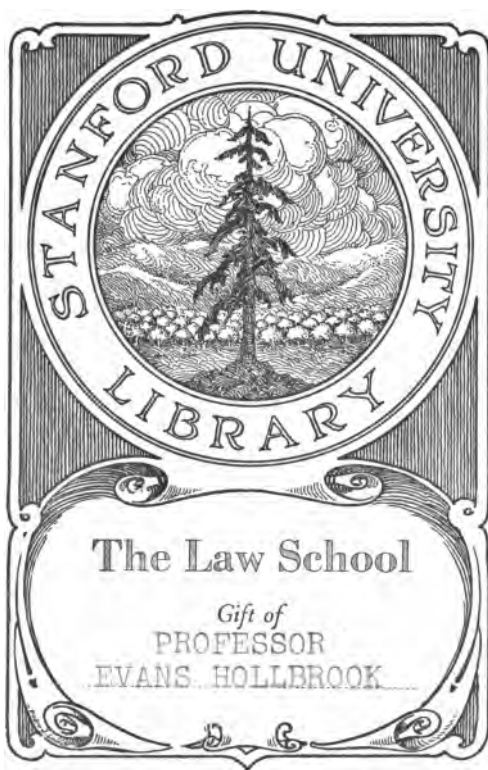
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Memorandum



Frederick A. Hartman

ACTS AND RESOLUTIONS
OF
THE LEGISLATURE

OF THE
STATE OF MICHIGAN

PASSED AT THE
EXTRA SESSION OF 1907



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NOTE.—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich. 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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1911 JAN 11 10 00 AM '12

LIST OF PUBLIC ACTS.

Act No.

1. Appropriation for the Central Michigan Normal School.
 2. Amending act authorizing establishment of a home for disabled soldiers, sailors and marines.
 3. Amending act prescribing the terms and conditions on which foreign corporations may be admitted to do business in Michigan.
 4. Primary election law.
 5. Amending act to increase the efficiency of the military establishment of Michigan.
 6. Act providing for juvenile courts.
 7. Amending act relative to the use of voting machines.
-

LIST OF LOCAL ACTS.

Act No.

1. Act annexing territory in Fairview village, Wayne county, to the city of Detroit.
 2. Act providing for the disposition of taxes collected for county road purposes, Wayne county.
-

JOINT RESOLUTIONS.

No.

1. Authorizing the board of trustees of the Upper Peninsula Hospital for the Insane to purchase certain land.
2. Authorizing Auditor General to transfer certain funds credited to the State Industrial Home for Girls.

PUBLIC ACTS OF 1907

EXTRA SESSION

PUBLIC ACTS.

[No. 1.]

AN ACT making appropriations for the Central Michigan Normal School for current expenses for the fiscal years ending June thirty, nineteen hundred eight, and June thirty, nineteen hundred nine, and for building and special purposes for said institution for the fiscal year ending June thirty, nineteen hundred nine, and to provide a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the current expenses of the Central Michigan Normal School for the fiscal year ending June thirty, nineteen hundred eight, the sum of seventy-two thousand five hundred ninety dollars, and for the fiscal year ending June thirty, nineteen hundred nine, the sum of seventy-two thousand five hundred ninety dollars. Current expenses.

SEC. 2. The further sum of fifty-seven thousand three hundred dollars is hereby appropriated for the said institution for the fiscal year ending June thirty, nineteen hundred nine by purposes and amounts as follows: For physical training building, forty-five thousand dollars; for conduit leading from central heating and lighting plant to the physical training building, five thousand dollars; for women's lavatory, one thousand eight hundred dollars; for converting present gymnasium into class rooms, two thousand dollars; to complete heating of training school building, including motor and fan, two thousand dollars; for new boiler for heating plant, one thousand five hundred dollars. Specific purposes.

SEC. 3. It is hereby provided that if the several amounts designated in section two of this act, for any one of the purposes stated, be insufficient to complete the work or purchase, any surplus remaining after the completion of other work or purchase specified in said section, may, by obtaining the consent in writing of the State Board of Corrections and Charities and the Auditor General, before any expense in excess of the specified appropriation is incurred, be used in the account or accounts where such deficiency seems unavoidable, the intent of this proviso being to make the entire fifty-seven thousand Transfer of funds.

three hundred dollars available for the purposes stated in said section, if, in the judgment of the State Board of Corrections and Charities and the Auditor General, it is deemed advisable to make the transfers for which provision is hereby made.

How paid
out.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Board of Education, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax levy.

SEC. 5. The Auditor General shall incorporate in the State tax for the year nineteen hundred eight, for the Central Michigan Normal School, the sum of two hundred two thousand four hundred eighty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

In case regu-
lar approp-
riation
insufficient.

SEC. 6. The treasurer of [the] State Board of Education is hereby authorized to pay from the current expense appropriation any indebtedness and interest thereon incurred during the year ending July one, nineteen hundred eight, for money borrowed or expenses incurred because of failure of regular appropriation to meet said expenses.

This act is ordered to take immediate effect.

Approved October 15, 1907.

[No. 2.]

AN ACT to amend section eleven of act number one hundred fifty-two of the public acts of eighteen hundred eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," said section being compiler's section two thousand sixty-two of the Compiled Laws of eighteen hundred ninety-seven and having been last amended by act number twenty-five of the public acts of nineteen hundred one.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. Section eleven of act number one hundred fifty-two of the public acts of eighteen hundred eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," said section being compiler's section two thousand sixty-two of the Compiled Laws of eighteen hundred ninety-seven, and having been last amended by act number twenty-five of the public acts of nineteen hundred one, is hereby amended to read as follows:

Who entitled
to admission
to home.

SEC. 11. All honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States, in the late war of the rebellion, in the Mexican war, the

Spanish-American war or the war in the Philippines, and who are disabled by disease, wounds or otherwise, and who have no adequate means of support and by reason of such disability, are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said home, subject to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said home: *Provided*, Provido as to service or residence. That no applicant shall be admitted to said home unless he served in a Michigan regiment or was accredited to the State of Michigan, or was a resident of the State of Michigan for at least five years next preceding the date of his application for admission to the said home.

This act is ordered to take immediate effect.

Approved October 24, 1907.

[No. 3.]

AN ACT to amend act two hundred six of the public acts of nineteen hundred one, entitled "An act to prescribe the terms and conditions on which foreign corporations may be admitted to do business in Michigan," as amended by act three hundred ten of the public acts of nineteen hundred seven, by amending section five and adding one new section to be known as section ten.

The People of the State of Michigan enact:

SECTION 1. Act two hundred six of the public acts of nineteen hundred one, entitled "An act to prescribe the terms and conditions on which foreign corporations may be admitted to do business in Michigan," as amended by act three hundred ten of the public acts of nineteen hundred seven, is hereby amended by amending section five and adding one new section to be known as section ten, so that sections five and ten shall read as follows: Act amended.

SEC. 5. Every corporation which has paid a franchise fee and been admitted to do business in this State, which shall thereafter increase its authorized capital, or shall increase the proportion of its capital stock, represented by property used and business done in Michigan, shall within thirty days after such increase file an additional statement with the Secretary of State and pay an additional franchise fee of one-half of one mill on each dollar of the amount of increase of its capital stock represented by property owned and business done in Michigan. And any such corporation shall at any time when requested by the Secretary of State, file an additional statement under oath of at least two of its officers, showing the Certificate of increase of capital stock. Statement to Sec'y of State.

Penalty. proportion of its property used and business transacted in Michigan. Every corporation subject to the provisions of this act, which shall neglect or fail to comply with its requirements, shall be subject to a penalty of not less than one hundred dollars nor more than one thousand dollars for every month that it continues to transact business in Michigan, without complying with the requirements of this act, to be recovered by action in the name of the people of the State of Michigan in any court of competent jurisdiction.

Agent, revocation of appointment. Sec. 10. No such corporation having appointed an agent to accept service of process shall have power to revoke or annul such appointment until it shall have filed [filed] notice of appointment of some other person in this State as such agent.

Service of process. Service of process may also be made upon any officer or agent of such corporation in this State, or service may be made upon the Secretary of State, who shall immediately notify the corporation thus served, by mailing notice thereof and a copy of such process to its address. There shall be paid to the Secretary of State at the time of such service a fee of five dollars, which sum may be taxed as costs to the plaintiff in case he prevails in the proceeding.

Fee, taxed as costs. This act is ordered to take immediate effect.
Approved October 24, 1907.

[No. 4.]

AN ACT relative to the nomination of party candidates for public office, and delegates to political conventions; to regulate primary elections and to prescribe penalties for violation of its provisions.

The People of the State of Michigan enact:

When candidates shall be nominated by direct vote. SECTION 1. Whenever an election shall be held in any city, county, legislative or congressional district in this State, pursuant to the provisions of this act, at which a majority of the enrolled voters of any political party shall vote in favor of the direct nomination of its party candidates in such city, county or district, thereafter the nomination of all candidates of such political party, to be voted for at a November or city election, except ward offices, shall be made by direct vote of the enrolled voters of such political party in such city, county or district, in the manner hereinafter provided; and such method of nominating the candidates of such political party for said offices shall continue until a majority of the enrolled voters of such political party in any such city, county or district, voting thereon, shall vote against such method when re-submitted to them under the terms of this act: *Provided*, That any political party which has adopted and is operating under the direct nominating system provided for in act number one hundred eighty-one of the public

When method may be discontinued.

Proviso as to parties operating under act 181, 1905.

acts of nineteen hundred five, in any city, county or district, shall not be required to submit or re-submit the question of direct nominations of party candidates in order to operate under the provisions of this act, but all such political parties shall hereafter nominate party candidates by direct vote in the manner herein provided until otherwise determined as provided in this act.

SEC. 2. No person shall be permitted to vote at any primary election unless he shall have been enrolled, in the manner herein provided, as a member of a particular political party. The proposition of direct nomination of party candidates may be submitted or re-submitted and decided by a majority of the enrolled voters of any political party voting thereon in any such city, county or district, on the first Monday in April preceding any November election: *Provided*, That an election may be held for the submission or re-submission of the question of direct nomination of party candidates of any political party for city offices on the first Monday of April of any year. All provisions herein made for the submission of the proposition in the first instance shall apply to the re-submission of the said proposition in so far as applicable.

Voter must be enrolled.

When proposition may be submitted, etc.

Proviso as to city offices.

Provisions for re-submission.

SEC. 3. A primary election for the nomination by direct vote of party candidates shall be held in the several election precincts of any city, county or district, as the case may be, in which any political party has adopted the provisions of act number one hundred eighty-one of the public acts of nineteen hundred five, or the provisions of this act, on the first Tuesday in September preceding any November election. In the case of any city in which local officers are not elected at the November election, a primary election for the nomination of party candidates for city offices, other than ward offices, shall be held on the second Tuesday preceding the day on which the officers of said city are to be elected.

Primary, when to be held.

In case of certain cities.

SEC. 4. All primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be, in every particular as prescribed by law for the regulation and conduct of general elections. The provisions of the general election law shall apply to primary elections with respect to the giving of notices of enrollment and election, in fixing places for holding such elections, providing ballot boxes and the necessary equipment and supplies, and all officers required to perform similar duties under the general election law shall be required to perform such duties under this act with like power and compensation. All expenses of primary elections shall be defrayed from the same funds from which are defrayed the expenses of an election.

Primary elections, how conducted, etc.

Expenses, how defrayed.

SEC. 5. The voters in the various political parties shall be afforded an opportunity to become enrolled voters of the particular political party with which they are affiliated on the Saturday preceding the first Monday of April preceding the September primary; on the Saturday preceding the September primary and on the Saturday preceding the city primary in

Party enrollment, time of.

Proviso as to certain cities. cities in which any political party is operating under the primary election system provided for in this act: *Provided*, That in cities having a registration day, or days, prior to the Saturday preceding the first Monday in April, the voters of the various political parties shall be afforded an opportunity for party enrollment on such registration day or days. It shall not be necessary for the electors who were enrolled under act number one hundred eighty-one of the public acts of nineteen hundred five to again enroll under the provisions of this act, if they reside in the same voting precinct in which they resided at the time of enrollment under said act number one hundred eighty-one of the public acts of nineteen hundred five.

Enrollment board.

Sessions of.

Notice of meetings.

Proviso.

Enrollment books.

SEC. 6. The various boards of registration provided for by the provisions of the general election, or other law shall constitute an enrollment board under the provisions of this act. The said enrollment boards shall be in session in every voting precinct in this State on the days prescribed in this act and during the same number of hours that the said boards of registration are required to be in session. Notice of the time when and the place where said board shall be in session shall be given in the same manner that notice of a meeting of the board of registration is given: *Provided*, That the notice of the time when and where qualified electors may be enrolled on the Saturday prior to the first Monday in April may be included in the notice required to be given for the registration of voters under the general election law.

SEC. 7. The enrollment herein provided for shall be made in a suitable book in which the names shall be enrolled in alphabetical order. Such books shall be furnished by the Secretary of State to the county clerk and by him delivered to said enrollment boards, if such books have not been provided under authority of act number one hundred eighty-one of the public acts of nineteen hundred five, at the same time and in the same manner as is now provided by law for the delivery of blanks for use at general elections, and shall be prepared substantially in form as follows:

Form of.

Party Enrollment of the Voters in
County
City
Precinct.....Ward
Township

Date.	Enrolled No.	Name.	Residence.
Street No.	Party	Removal.	
(In cities having street number.)	Affiliation.		

Said enrollment book shall also contain blank forms of certificates to be used by the enrollment board in making its return of such enrollment in the manner herein provided. It shall be the duty of the Secretary of State to prepare and forward to each voting precinct in this State blank leaflets upon which the enrolling clerk can indicate the necessary corrections in any party enrollment heretofore taken, or which may hereafter be taken, one copy of which shall be forwarded by the enrolling clerk to the county clerk and one copy to the Secretary of State. Blank leaves, who to furnish.

SEC. 8. For the purpose of accuracy and to expedite the making of the enrollment, blanks upon which the applicant may write his name, residence, street number in cities, and party affiliation, may be used. The blank to be used shall be in the following form: Enrollment blanks.

Application for Primary Election Enrollment.

Name.....

Residence.....

Street No. (in cities having street number).....

Party Affiliation.....

If such blank is used prior to any enrollment day it shall be the duty of any member of the enrollment board to receive same, when properly filled out and signed in the handwriting of the applicant. It shall be unlawful for any member of the enrollment board to take or receive any application for enrollment unless presented by the applicant in person. The applications for enrollment so received by members of the enrollment board prior to any enrollment shall be presented to the enrollment board on the next enrollment day. Upon receipt of such applications it shall be the duty of the enrollment board to enroll the names of all such applicants, if satisfied that such applicants are entitled to enrollment without such applicants being present in person. If such application blank is presented by the applicant on enrollment day, it shall be the duty of the enrolling board to receive same personally from the applicant and to see that the applicant has properly answered all questions before accepting same. No such application shall be received or accepted by the enrolling board on any enrollment day unless personally presented by the applicant. When such application is accepted by the enrolling board, it shall date and number the same and make the proper entries in the enrollment book provided therefor. Use of.

SEC. 9. The legal custodian of the general registration book of each election precinct shall be custodian of the party enrollment book provided for herein. Such custodian shall within ten days after any party enrollment, or correction of the enrollment book, forward under seal to the county clerk of his county and to the Secretary of State, on blanks provided therefor to be furnished by the Secretary of State, one copy of the Custodian of enrollment book. When to forward copy of enrollment.

party enrollment, or the corrections and additions made in the enrollment book of each election precinct, to each of which copies he shall attach his certificate that the same is a true and correct copy of the party enrollment, or of the corrections and additions to the same.

Review of
enrollment
book.

Proviso.

Enrollment
of voters.

Independents.

Application.

Duty of
chairman.

Enrollment
on primary
day.

Change of
residence.

Proviso.

SEC. 10. On the dates named herein for the enrollment of voters, the various enrollment boards shall review the enrollment book and correct the same in the same manner as corrections are made in the registration book for said precinct, provided for under the provisions of the general election law: *Provided*, That in precincts in which no election is held on the first Monday in April, the enrollment board thereof shall not be required to be in session on the preceding Saturday. The custodian of said enrollment book shall deliver the same to the board of enrollment for the purposes of review and correction as herein provided. The said enrollment board shall enroll all qualified electors who make application for and are entitled to enrollment as members of any political party. Whenever any qualified elector shall apply for enrollment, but shall neglect or refuse to give the name of his party, or if he has none, he shall be enrolled as an "independent." Whenever a qualified elector is entitled to enrollment, he shall be enrolled by the said board as a member of the particular political party which he names. Application for enrollment shall be made either upon the blanks hereinbefore provided for or by making application personally to said board on any enrollment day.

SEC. 11. At the close of enrollment on enrollment day, it shall be the duty of the chairman of the board having in charge the party enrollment in any election precinct, to cause two black lines to be drawn across the page under the last name enrolled under each alphabetical letter in the party enrollment book, and shall cause to be written between said lines the words "Last name enrolled under this letter, the..... day of.....19....," filling in the date of said enrollment.

SEC. 12. Any qualified elector in any election precinct in this State, who failed to have his name enrolled on any enrollment day by reason of sickness, unavoidable absence from the election precinct, or other reasonable cause, and who is a qualified elector in said precinct on a primary election day; or any person who may have become twenty-one years of age or a qualified elector after enrollment day, may have his name enrolled by the board of primary election inspectors on any primary election day upon making oath as provided in the general election law relative to the registration of electors on election days. Any person who was duly enrolled in the manner herein provided, but who has changed his residence to any election precinct other than that in which he was enrolled, may be enrolled in the new election precinct and may vote therein: *Provided*, That he has resided in the election precinct in which he seeks to be enrolled for a period of twenty days and that he obtain from a member of the enrollment

board in which he formerly resided a certificate stating that he was duly enrolled in such district and that he is entitled to enrollment in the new district, which certificate shall contain all of the data set forth in the enrollment book; or that he satisfy the said enrollment board or board of primary election inspectors, in any other manner, of the existence of such facts.

SEC. 13. Whenever an enrolled voter has changed his party affiliation and desires to be enrolled as a member of another political party, he may personally make application on any enrollment day, or on any primary election day, for re-enrollment, to the enrollment board, or the board of primary election inspectors; and said board shall thereupon re-enroll the name of said enrolled voter and at the same time draw a pen mark through the name of said enrolled voter as previously enrolled and opposite said name as previously enrolled shall write the word "re-enrolled" and the date of said re-enrollment: *Provided*, That when any enrolled voter shall become re-enrolled under authority of this section, the said re-enrollment of such enrolled voter shall not affect the validity of any petition theretofore signed by such enrolled voter as a member of a particular political party.

Change of party affiliation.

Proviso as to validity of petitions.

SEC. 14. The question of the direct nomination of party candidates of any political party for city, county, legislative or congressional offices may be submitted or re-submitted to the enrolled voters of such political party within such city, county or district upon petition therefor, signed by a number of enrolled voters of such political party within such city, county or district, which number shall constitute not less than twenty per cent. of the total number of enrolled voters of such political party in such city, county or district.

When question may be submitted or resubmitted.

Per cent of voters.

SEC. 15. The petition referred to in the preceding section relative to city offices shall be addressed to the city clerk; and relative to a county or legislative district wholly within one county, shall be addressed to the county clerk; and petitions relative to legislative or congressional district offices, comprising more than one county, to the Secretary of State, and shall be delivered to the city clerk, county clerk or Secretary of State, at least thirty days before the first Monday of April on which the proposition is to be voted upon by the enrolled voters of the particular political party.

Petitions, when and to whom addressed.

SEC. 16. Such petition shall embrace but one object: The proposition to select by direct vote, party candidates for representative in congress, for State senator, for representative in the State legislature, for county offices or city offices, shall each be petitioned for on separate petitions. The said petition shall be in substantially the following form:

Petition, form of.

To the (City Clerk, County Clerk or Secretary of State):

We, the undersigned, enrolled voters of the..... party of the.....of..... (township or city) and county of....., respect-

fully petition that the question of direct nomination of party candidates for.....shall be submitted (or re-submitted) to the enrolled voters of the said political party in said (city, county or district) on the first Monday of April, next.

(Signed).....
.....

Notice of
primary to
vote on
question.

SEC. 17. The said city clerk, county clerk or Secretary of State, as the case may be, shall examine said petition and if it is found that a sufficient number of enrolled voters have signed said petition, he shall give notice, as near as possible, in the manner now provided by law for giving notice of general elections in this State, that at an election to be held pursuant to the provisions of this act on the first Monday in April thereafter, the proposition will be submitted or re-submitted to the enrolled voters of the particular political party in said city, county or district, referred to in such petition or petitions, whether the nomination of party candidates of that political party for the offices named in said petition or petitions shall thereafter be made in such city, county or district, by direct vote, and the proper board of election commissioners under the general election law shall cause to be printed on the ballot to be used at such primary election, in substance, the following words:

Duty of
commissioners.

Form of
ballot.

Instruction: Make a cross in the square to the left of the words "Yes" or "No" on each proposition submitted.

Direct nomination of candidates of the.....
party for.....offices.

() Yes.

() No.

All such propositions may be submitted upon one ballot to the enrolled voters of a particular political party. Whenever more than one proposition is submitted upon one ballot, each proposition shall be separated by a black line one-sixth of an inch wide to enable each proposition petitioned for to be voted upon by itself. The color of the ballots shall be the same as is herein prescribed for the official primary election ballots. The size and form of the ballots, other than as herein directed, shall be prescribed by the said board of election commissioners. The votes cast at such election shall be canvassed, and returns thereof made in like manner as is provided for the canvassing of votes and the making of returns of any general election held in such city, county, or district, by the terms of existing law.

Canvass of
votes.

Date of
general
primary.

SEC. 18. A general primary election, for all political parties, shall be held in every election precinct in this State on the first Tuesday of September preceding every general November election, at which time the enrolled voters of each political party shall vote for party candidates for the office of Governor, Lieutenant Governor, and United States Sena-

tor: *Provided*, That no nomination for the office of United States Senator shall be made unless such official is to be elected at the next session of the legislature. Proviso.

SEC. 19. In any congressional district in this State in which the enrolled voters of any political party have decided, or in which the enrolled voters of any political party shall hereafter decide, in accordance with the provisions of this act, in favor of the direct nomination of a candidate for representative in congress, there shall be nominated at the said September primary election, by direct vote of the enrolled voters of such political party within such district, a party candidate for representative in congress. In any senatorial district in this State in which the enrolled voters of any political party have decided, or in which the enrolled voters of any political party shall hereafter decide, in accordance with the provisions of this act, in favor of direct nomination of party candidates for State senator, there shall be nominated at the said primary election, by direct vote of the enrolled voters of any such political party, a party candidate for State senator. Congressmen,
nomination of.

In any representative district in this State in which the enrolled voters of any political party have decided or in which the enrolled voters of any political party shall hereafter decide, in accordance with the provisions of this act, in favor of the direct nomination of a party candidate or candidates for representative in the State legislature, there shall be nominated at the said primary, by direct vote of the enrolled voters of such political party within such district a party candidate or candidates for representative in the State legislature. State
senator.

In any city or county in this State in which the enrolled voters of any political party have decided, or in which the enrolled voters of any political party shall hereafter decide, in accordance with the provisions of this act, in favor of direct nomination of party candidates for city or county offices, when the officers thereof are to be voted for at the November election following, there shall be nominated at the said primary election by direct vote of the enrolled voters of any such political party within such city or county, party candidates for such city or county offices. Whenever the enrolled voters of any political party within any county shall decide to nominate party candidates for county offices to be voted for at the November election, by direct vote, or in case the enrolled voters of any political party have so decided under act number one hundred eighty-one of the public acts of nineteen hundred five, there shall also be elected at the September primary, by direct vote of the enrolled voters of such political party in such county, as many delegates as such political party in such county shall be entitled to by the call issued by the county committee of such political party for the county convention thereafter to be held by such political party in said county in that year for the purpose of electing delegates to the State convention called for the purpose of nominating candidates for State offices. In case of any vacancy in any dele- Represent-
tative.

City and
county
officers.

Delegates to
county con-
vention.

Vacancy.

State central committee to certify number of delegates.

To apportion delegates.

Delegates to county convention. Certain counties excepted.

Penal provisions.

Board of election commissioners to furnish ballots.

Ballots, what to contain, how designated, etc.

Colors.

gation from any election precinct, township, or ward, to the county convention, such vacancy shall be filled by the delegates present from the ward or township in which the vacancy occurs. The State central committee of each political party shall, at least thirty days before the September primary herein provided for, certify to the board of election commissioners of each county and to the chairman of the county committee of such party, the number of delegates to which such county shall be entitled in the State convention of such party, and the said State central committee shall apportion such delegates to the several counties in proportion and according to the number of votes cast for the candidates of such party for Secretary of State in each of said counties respectively at the last preceding November election. The name of any candidate for delegate to the county convention shall not be printed upon the official primary election ballot. The provisions of this act shall not be construed to apply to or be operative in the counties of Alpena, Kent, Muskegon and Wayne, except where such counties or parts of counties form and constitute a part only of a congressional or legislative district, in which case the provisions of this act shall be operative in said county, or parts of counties, relative to the nomination of party candidates for representative in congress, State senator, or representative in the State legislature, and except in regard to the nomination of party candidates for Governor, Lieutenant Governor and United States Senator. Whenever this act is operative in the said counties of Alpena, Kent, Muskegon and Wayne, all penal provisions of this act shall be effective and shall be enforced in the same manner as in any other county in the State.

SEC. 20. It shall be the duty of the board of election commissioners of each county in this State to prepare and furnish the necessary official primary election ballots which may be required for use by any political party at the September primary. Such ballots shall contain the name of the political party for which they are to be used, the voting precinct, city or township, and county and the instructions as to the method of voting. Said ballots shall be printed on different colored paper for each political party, but no party ballot shall be printed on yellow paper. Ballots for the Republican party shall be printed in black ink upon a good quality of white paper. Ballots for the Democratic party shall be printed in black ink upon a good quality of blue paper. Ballots for the Prohibition party shall be printed in black ink upon a good quality of red paper, and if there are other political parties, the board of election commissioners shall print ballots therefor in black ink upon a good quality of a different colored paper from that as above designated. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast or counted

in any election precinct, at any such primary election. It shall be the duty of the election commissioners to cause instruction ballots for each party to be printed on yellow paper, not exceeding ten per cent. of the number of official ballots printed for each party in each precinct, and to distribute said instruction ballots in the same manner and at the same time provided for the distribution of official primary ballots. Said yellow ballots shall have printed at the head thereof the words: "Instruction Ballots for Primary Election." The size of all official ballots shall be such as the said board of election commissioners shall prescribe.

Instruction ballots, who to furnish, color, etc.

SEC. 21. The said ballots so prepared by the board of election commissioners in each county shall include the names of all candidates for the particular political party for the offices of Governor, Lieutenant Governor and United States Senator, and shall also include the names of all candidates for city, county or district offices in each city, county or district in which the direct nominating system has been adopted by such political party. No candidate shall have his name printed upon any official primary election ballot of any political party in any voting precinct in this State unless he shall file nomination petitions according to the provisions of this act, and all other requirements of this act have been complied with in his behalf. If the enrolled voters of that particular political party have voted in favor of direct nomination of party candidates for county offices, the said ballots shall also contain as many lines as there are delegates to be elected to the county convention. Such lines, upon which may be written the names of proposed delegates to the county convention, shall be printed under the title "Delegates to County Convention," and no ballot for a delegate to a county convention of any such political party shall be counted unless prepared and voted under authority of this act.

Names to be printed on ballots.

Delegates to county conventions.

SEC. 22. The chairman of the county committee of each political party, the enrolled voters of which have decided in favor of direct nomination of candidates for county offices, shall certify to the board of election commissioners of his county at least twenty-five days before the holding of such primary election, the number of delegates to which each election district of said county will be entitled at the county convention of said political party to be held in said county in said year for the purpose of electing delegates to a State convention called for the purpose of nominating party candidates for State offices. It shall be the duty of the board of election commissioners of any city in which city officers are not elected at the November election, in which any political party has adopted the provisions of this act, to prepare the necessary primary election ballots for use of the enrolled voters of such political party. The said city board of election commissioners shall be governed by the same rules as are prescribed for the preparation of ballots by the board of election commissioners of the county.

County chairman to certify number of delegates to county convention.

Duty of election commissioners in certain cities.

Ballots,
number to
be printed.

Proviso as to
new party.

Further
proviso.

Proof
copies.

Pamphlet
copies of act,
printing of.

Official
primary bal-
lots, how
prepared.

Numbering.

Names,
order of
offices, etc.

SEC. 23. The number of ballots to be printed for the use of a political party at a primary election in any election precinct shall be at least fifty per cent. more than the total number of votes cast therein at the last preceding election by such political party for Secretary of State: *Provided*, That the number of official primary election ballots which shall be prepared for any new party shall be such number as the chairman and secretary of the city, county, district or State committee of such new party shall certify to the respective boards of election commissioners shall be necessary for use at said primary election: *Provided, further*, That unless ballots are required for new parties in the manner herein provided, it shall be unnecessary for any board of election commissioners to prepare ballots for any such new political party even though there may be candidates who have filed nomination petitions. Proof copies of the official primary election ballot shall be on file at the office of the county clerk, or city clerk, as the case may be, for public inspection at least three days prior to the primary election.

SEC. 24. It shall be the duty of the Secretary of State to cause to be printed pamphlet copies of this act and to furnish to the county clerk of each county and to the city clerk of any city in which any political party adopts the provisions of this act, a sufficient number of copies thereof to enable said clerks to furnish at least two copies to each board of primary election inspectors in the particular city or county at the same time that other supplies for an election are furnished.

SEC. 25. The official primary election ballots shall be prepared in the following manner; there shall be printed at the top of the ballot in large type the words "Official Primary Ballot." Underneath shall be printed the date of the election at which the ballot is to be used, followed, when necessary, by the designation of the political subdivision, as county, district, city, ward, etc. Then shall follow, in bold-face type, the name of the political party, below which shall appear this instruction: "Make a cross in the square to the left of as many names for each office as are indicated under the title of such office." The ballots for such election district shall be numbered consecutively, as provided for the numbering of ballots by the general election law. All names of candidates of each political party shall be printed on a separate ballot, and said ballot shall be in one or more columns, as may be determined by the election commissioners in making up the same. The order of the offices on the ballot shall be the same, as far as may be, as is required by law in making up the ballot for a general election. The title of the office shall be immediately above the names of the candidate or candidates for such office, and under such title the words, "Vote for," followed by the word "one," "two," or a word designating the number of candidates under that head to be voted for. The names of the different candidates shall be separated from each other by a light-faced rule, with a square at the left of the name, and

the spaces devoted to the several offices shall be separated by a black-faced rule so as to separate each office division clearly. If two or more columns are used on a ballot, the columns shall be separated by a black line one-sixth of an inch wide. The names under heading designating each official position shall be alternated on the ballots of each party casting at least five per cent. of the vote cast in the county or political sub-division at the preceding November election, and printed in the following manner:

First, The forms shall be set up with the names of such candidates arranged alphabetically, in order according to surnames. In printing each set of tickets for the several election precincts, the positions of the names shall be changed in each office division, as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of tickets shall be printed after each change. In making the changes of position, the printers shall take the line of type at the head of each office division and place it at the bottom of the division, and shove up the column so that the name that before was second shall be first after the change. After the ballots are printed, and before being trimmed, they shall be kept in separate piles, the one pile for each change of position, and shall then be piled by taking one from each pile and placing it upon the pile to be trimmed, the intention being that every other ballot in such pile shall have the names in a different position. After the pile is made in this manner, the ballots shall be numbered consecutively on the upper right hand corner upon the front of the ballot, with a perforated line across said corner, underneath the said number, so that the corner with the number can be torn off. After that, the ballots shall be trimmed and done up in sealed packages and distributed for use at the primary election the same as is required by law for the distribution of ballots at the general election. The ballots shall be prepared in substantially the following form:

Printing of
names on
ballots.

How num-
bered, per-
foration.

Form.

No.

OFFICIAL PRIMARY BALLOT.

Primary Election
 Party.

Make a cross in the square [X] in front of as many names
 for each office as is indicated under the title of such office.

NATIONAL.	LEGISLATIVE.
United States Senator. Vote for one.	State Senator.—District. Vote for one.
<input type="checkbox"/> GEORGE J. GLASIER.	<input type="checkbox"/> WILLIAM BROWN.
<input type="checkbox"/> JAMES H. FLYNN.	<input type="checkbox"/> MICHAEL J. MURRAY.
<input type="checkbox"/> FRANK H. RILEY.	<input type="checkbox"/> RICHARD ROE.
STATE.	<input type="checkbox"/> CASPER J. DUNN.
Governor. Vote for one.	Representatives in State Legis- lature.—District. Vote for one.
<input type="checkbox"/> EDWARD H. SMITH.	<input type="checkbox"/> JAMES W. WHITE.
<input type="checkbox"/> RICHARD ROE.	<input type="checkbox"/> EDWARD GIBBONS.
<input type="checkbox"/> JOHN ROSWELL.	<input type="checkbox"/> OWEN DOLAN.
Lieutenant Governor. Vote for one.	<input type="checkbox"/> RICHARD HUGHES.
<input type="checkbox"/> JAMES H. HEALD.	<input type="checkbox"/> JOHN H. RUSH.
<input type="checkbox"/> ROBERT M. RYAN.	<input type="checkbox"/> CHARLES WHITE.
<input type="checkbox"/> JOHN SMITH.	
CONGRESSIONAL.	
Representative in Congress.—Dis- trict. Vote for one.	
<input type="checkbox"/> THOMAS J. WAGNER.	
<input type="checkbox"/> WILLIAM DUNNING.	
<input type="checkbox"/> JAMES MARA.	

COUNTY.	Circuit Court Commissioners.
Judge of Probate. Vote for one.	Vote for two.
<input type="checkbox"/> FRANK CAMPBELL.	<input type="checkbox"/> HARRY SELSBEE.
<input type="checkbox"/> CHARLES SCULLEN.	<input type="checkbox"/> ORR C. TRASK.
<input type="checkbox"/> HENRY J. WILKINSON.	<input type="checkbox"/> HENRY ROACH.
	<input type="checkbox"/> CLIFFORD BISHOP.
Sheriff. Vote for one.	<input type="checkbox"/> CLIFFORD CROSTIC.
<input type="checkbox"/> FRANK ANDREWS.	<input type="checkbox"/> CHARLES WHITE.
<input type="checkbox"/> GEORGE LAY.	Delegates to County Convention.
<input type="checkbox"/> WILLIAM DENNIS.	Vote for
<input type="checkbox"/> HUGH GARMON.

SEC. 26. To obtain the printing of the name of any candidate of any political party for United States Senator or for Governor or Lieutenant Governor upon the official ballot for any primary election held in this State, pursuant to the provisions of this act, there shall be filed with the Secretary of State nomination petitions, signed by a number of enrolled voters residing in the State and who are enrolled in the party enrollment of said party, equal to not less than two per cent. nor more than four per cent. of the number of votes that such party cast for Secretary of State at the last preceding November election.

Signatures
required for
governor,
lieut. governor
and U. S.
senator.

SEC. 27. To obtain the printing of the name of any candidate of any political party for any district office upon the primary election ballots in the various voting precincts of the district when such district is comprised of one county or less, nomination petitions, signed by a number of enrolled voters who are enrolled in the party enrollment of said party in said district, equal to not less than two per cent. nor more than four per cent. of the number of votes that the party cast in said district for Secretary of State at the last preceding November election, shall be filed with the county clerk of said county, and in the case of a district office, in a district comprising more than one county, to obtain the printing of the name of any candidate of any political party upon the primary election ballots of the various voting precincts of said district, there shall be filed with the Secretary of State, nomination petitions, signed by a number of enrolled voters residing in such district and who are enrolled in the party enrollment of

District
officers, sig-
natures re-
quired for.

Petitions,
where filed.

said party, equal to not less than two per cent. nor more than four per cent. of the number of votes that the party cast therein for Secretary of State at the last preceding November election.

County officers, signatures required.

SEC. 28. To obtain the printing of the name of any candidate of any political party for a county office on the official primary election ballots of such political party, there shall be filed with the county clerk of said county such candidate's petitions signed by a number of enrolled voters, who are enrolled in the party enrollment of said party and who reside in the county, equal to not less than two per cent. nor more than four per cent. of the number of votes that such political party cast in such county for Secretary of State at the last preceding November election. To obtain the printing of the name of any candidate of any political party for a city office on the official primary election ballots for use in such city, there shall be filed with the city clerk of such city such candidate's nomination petitions signed by a number of enrolled voters of such political party and who reside in such city, equal to not less than two per cent. nor more than four per cent. of the number of votes that such political party cast therein for Secretary of State at the last preceding November election. All of said nomination petitions may be signed by enrolled voters of the particular political party residing in any part of a city for a city office, or any part of a county for a county office, or any part of a district for a district office, or any part of the State for a State office.

Cities, officers.

Petitions of new political parties for state officers.

SEC. 29. To obtain the printing of the name of any candidate of a new political party for United States Senator or Governor or Lieutenant Governor on the official primary election ballot, nomination petitions signed by at least three hundred qualified voters residing in the State shall be filed with the Secretary of State. To obtain the printing of the name of any candidate of a new political party for a district, county, or city office, on the official primary election ballots, such candidate shall file nomination petitions with the Secretary of State, county clerk, or city clerk, as the case may be, signed by at least twenty-five qualified electors residing in such district, county or city: *Provided*, That any qualified elector, whether enrolled under any party name or not, but who resides in the particular district, county, or city, as the case may be, may sign the nomination petitions of any candidate representing a new political party: *Provided, further*, That it shall not be necessary for the members of any new political party not in existence on the first Monday in April preceding any November election to submit the proposition of direct nomination of party candidates as a condition precedent to the right of any candidate of such new political party to file a nomination petition.

District, county and city officers.

Proviso, qualifications of petitioners.

Proviso as to new parties.

Nomination petitions, form of.

SEC. 30. All nomination petitions shall be in the following form:

We, the undersigned enrolled voters (or if a new party,

qualified electors) of the.....party of the city
 of....., or the township of.....,
 in the county of and State of Michigan,
 hereby nominate
 who resides at No.....Street, city of.....
 or in the township of....., in the
 county of.....as a candidate of the

 party for the office of....., to be
 voted for at the primary election to be held on the.....
day of....., as representing
 the principles of said party, and we further declare that we
 intend to support the political party herein named.

Name.	Residence.	Street number (in cities hav- ing street numbers).	Date of signing.
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SEC. 31. It shall be unlawful for any enrolled voter to sign more than one such nominating petition for the same office except where there are two or more candidates to be nominated for the same office, when he may sign as many petitions as there are persons to be elected to such office. The same rule shall apply to qualified electors in the signing of petitions of candidates of a new political party. It shall also be unlawful for any candidate to willfully and intentionally procure more names upon nomination petitions than the maximum number prescribed in this act. The various county clerks and city clerks shall prepare and keep on hand blank forms of nomination petitions for the use of the voters and candidates in said city or county. Nothing herein contained shall be construed to prohibit any candidate from having his own nomination petitions printed, but they must comply substantially with the above form. All such nomination petitions shall be open to public inspection and subject to examination after being filed in the office of Secretary of State, county clerk, or city clerk, in accordance with such reasonable rules and regulations as may be prescribed by such officers. The various officers herein named shall keep a public record of the nomination petitions filed, in a book for that purpose, which record shall indicate the names of the candidates, the offices sought, and the dates when such nomination petitions were filed.

Electors not
to sign more
than one
petition.

Unlawful to
secure more
than maxi-
mum number
of petitioners.
Blank forms
of petitions,
supply of.

Inspection of
petitions.

Public record
of petitions.

SEC. 32. The Secretary of State and the various county clerks and the city clerk of cities in which city officers are to be elected at the November election shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the

Petitions,
when filed.

In cities.

List of
candidates.Proviso as to
excess of
petitioners.

Proviso, idem.

Officers to
certify
nominees.Notice of
deficient
petitions.Primary
elections,
laws to
govern.Proviso as to
certain cities.Election
inspectors.Delivery of
ballots and
supplies.General elec-
tion law to
govern.

fifteenth day before the September primary; and in cities where local officers are elected at a time other than the November election, the city clerk thereof shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the eighth day before the time designated for holding a primary election in such city. The Secretary of State, or county or city clerk, shall forthwith prepare and publicly expose in his office a list of the candidates for offices named in the nomination petitions filed in his office, as near as may be, as they will appear upon the official primary election ballots: *Provided*, That if any nomination petitions contain more than the necessary percentage of names hereinbefore referred to, the excess over and above the necessary four per cent. shall not be considered nor counted: *Provided, further*, That any names constituting the excess herein referred to shall not be counted on any other nominating petition. The said Secretary of State, or county or city clerk, shall forthwith, after the last day herein named for receiving and filing nomination petitions, certify to the proper board or boards of election commissioners the names of all party candidates whose petitions meet the requirements of this act, together with the name of the political party and the office for which they are candidates. In case it is determined that the nomination petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary election ballots, it shall be the duty of the Secretary of State, or county or city clerk, to immediately notify such candidate of such fact, together with a statement of the reasons why his name was not certified to the respective boards of election commissioners.

SEC. 33. All primary elections for the nomination of party candidates for office shall be held by election precincts the same as general elections are held, and the polls thereof shall be kept open in the respective precincts for the same length of time: *Provided*, That in any city of five thousand population, or over, the common council may direct that the polls of the primary election shall be kept open until eight o'clock p. m., standard time.

SEC. 34. Each primary election shall be presided over by a board of primary election inspectors, which board shall be composed of the members of the board of election inspectors provided for under the general election law. The official primary election ballots herein provided for, together with the necessary pencils, tally sheets, etc., necessary to carry on any election, provided for in this act, shall be delivered by the board of county election commissioners to the county clerk, and by the county clerk delivered to a member of the board of primary election inspectors of each ward, township, or voting precinct, in the county at least three secular days prior to any election or primary election day. The provisions of the general election law relative to the furnishing of ballots,

tally sheets, pencils, ballot boxes, arrangement of booths, initialing of ballots, powers and duties of inspectors, manner of conducting the election, and all other matters shall be applicable hereto except in so far as the provisions thereof may be inconsistent herewith.

SEC. 35. After the polls are open at a primary election, any elector who is legally qualified and enrolled as hereinbefore provided, shall, before entering the booth, be furnished a ballot of the political party with which he is enrolled, and no other. It shall be incumbent upon him to state to the inspector who has the ballots in charge, the party ballot he desires, which, if he is enrolled as a member of the party represented by said ballot, and if his right thereto is not challenged, shall be delivered to him forthwith. Any voter enrolled as a member of any political party for which no ballots have been prepared, shall not be permitted to vote any other party ballot at such primary election. It shall be competent for any enrolled voter or primary election inspector present to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that precinct, or that he belongs to a political party other than that represented by the ballot for which he has asked. When the right of any enrolled voter to a ballot is challenged he shall be required to take and subscribe an oath that he is a qualified enrolled voter and has the qualifications of a voter and that he believes in the principles of the political party represented by the ballot for which he has asked. Such oath shall be in the following form:

Ballot furnished elector.

Elector to state ballot desired.

In case of party for which no ballot prepared. Challenges.

Oath.

Form of oath.

I hereby solemnly swear (or affirm) that I am a resident and qualified elector, and possess the qualifications of a legal voter, and that I am enrolled as a member of the..... party, in the township of..... or in the.....precinct of the..... ward of the city of....., and that I believe in the principles of the said.....party.
(Signature).....

Subscribed and sworn to before me this..... day of.....190....

Notary public or officer authorized to administer oaths.

If the challenged voter takes and subscribes to the above oath he shall then receive the ballot for which he has asked and be entitled to vote it, the same as if his vote has not been challenged; but unless a challenged voter takes and subscribes to the above oath, he shall not be permitted to vote at such primary election. If any person who takes the foregoing oath, swears falsely, he shall upon conviction thereof, be subject to all the pains and penalties of perjury. The provisions of section three thousand five hundred twenty-two of the

When may vote.

Perjury.

Law applicable.

Record of challenged voters.	Compiled Laws of eighteen hundred ninety-seven are expressly made applicable hereto. A record shall be kept of any primary ballot cast by any voter whose right to vote has been challenged, in a similar manner to that provided in the general election law.
Marking of ballot.	SEC. 36. The enrolled voter after having received his ballot, shall enter a booth, and while there concealed from view prepare such ballot by making a cross in the square at the left of the names of such candidates as he may desire to vote for, but in no case for more candidates for any office than is indicated under the title of such office. He may, however, vote for any person whose name is not printed on the ballot by inserting such other name in such manner as shall make it a substitute for any name which is printed thereon or where no candidate's name appears upon the ballot. He shall then fold the ballot so that the perforated corner having within ballot number shall be on the outside, and present it to the proper inspector, who shall tear off the number and deposit the ballot in the ballot box. When an enrolled voter asks for a ballot the inspector shall enter his name upon the poll list, the name of the political party and the number of his ballot, before the same is given to voter, and the inspector receiving the ballot shall, before depositing it in the box, ascertain by comparison with the poll list whether it is the same ballot given to such voter, and if it is not the same ballot he shall reject it and such voter shall not be allowed to vote at such primary election. If any enrolled voter shall, after marking his ballot, so expose it to any person as to reveal the name of any candidate voted for thereon, such ballot shall be rejected and such enrolled voter shall forfeit the right to vote at such primary election, and a brief minute of such occurrence shall be made in the enrollment book and upon the poll list opposite the name of such enrolled voter. Challengers appointed by the several political parties shall be allowed to be present with the same powers as are provided by law for general elections.
Vote for person not printed on ballot.	
Folding of ballot, etc.	
Duty of inspector when voter asks for ballot.	
Exposure of ballot.	
Challengers.	
Counting of ballots.	SEC. 37. After the closing of the polls on the day of holding of any primary election, the ballots shall be counted as provided by law for the counting of the ballots of any regular election. In counting such ballots only those candidates for nomination to office who have a cross made in the square at the left of their names shall be deemed to have been voted for, and any ballot upon which more candidates for any office have been voted for than may, by law, be elected to such office, shall be rejected as to all names appearing for that office. The required number of electors who receive the highest number of votes for delegates to the county convention of any political party shall be declared by the board of primary election inspectors to be elected. Said board shall certify to the county clerk the names of the electors so elected as delegates, naming the political party upon whose ballots
Delegates to county convention, plurality to elect.	

such electors were elected. Said board shall also certify to each delegate so elected his election as such delegate. The county clerk shall certify to the chairman of each political party of the county the delegates elected by each such political party as delegates to the county convention.

Board to
certify names
to county
clerk.

SEC. 38. After the votes at any primary election in any election precinct shall have been counted, the officials counting the same shall publicly declare the result, and forthwith make and certify written detailed statements, such as are required by law for general elections, except as hereinafter provided, showing the whole number of votes cast in such election precinct for each candidate voted for on each party ballot, and shall certify, subscribe and seal in a separate envelope such statements and one of the tally sheets, and write thereon the name and number of the election precinct, if any, and deliver such statements and tally sheets to such persons and at such times as are required by law for general elections. As soon as they have completed the counting of the votes of their respective precincts they shall return all the ballots voted to the ballot boxes, which shall be locked and sealed, and such ballot boxes, and all books, unused ballots, supplies, lists and subscribed oaths shall be safeguarded and returned in the manner provided for by law governing general elections.

Declaration
of result.

Statements
and tally
sheets.

Completion
of count.

SEC. 39. The returns of said primary election shall be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as is provided by general law for canvassing the returns of and declaring the result in city, county, district and State elections, except that in the case of nominations for United States Senator, Governor, or Lieutenant Governor, or officers from districts comprising more than one county, the county clerk of each county affected shall transmit to the Secretary of State, within ten days after the primary election, certified copies of the number of votes received by each of the candidates for the nomination of any of the said offices. The Secretary of State shall appoint a meeting of the Board of State Canvassers at his office not later than twenty days after the primary election, which date shall be certified to the chairman of the State Central Committee of each political party, for the purpose of canvassing the votes of the candidates for such office. The said board shall proceed in the same manner in canvassing the votes, certifying, recording and determining results, etc., for nomination for United States Senator and Governor and Lieutenant Governor as is done in canvassing the votes in the case of election of State officials. In canvassing the votes of candidates for members of congress, State senators and representatives in the legislature, in districts composed of more than one county, said board shall proceed in like manner as is done in the canvassing of votes cast for members of congress.

Canvass of
returns.

Exceptions in
case of U. S.
senator, etc.

Board of
state canvassers,
when to
meet.

Canvass of
votes.

Vote necessary for nomination of governor and lieut. governor.

When nominated in convention.

All other cases plurality vote.

Petition for recount.

Amount of deposit.

Proviso.
Notice to opposing candidate.

Duty of canvassers.

SEC. 40. The candidate of each political party for nomination for Governor or Lieutenant Governor who receives a plurality and at least forty per cent. of the total vote cast by his particular party at such primary election shall be the nominee of such political party for said office at the next ensuing general November election. If, however, no candidate for Governor or Lieutenant Governor receives a plurality and at least forty per cent. of the total vote cast by that political party, the candidate of that political party for Governor or Lieutenant Governor shall be nominated at the ensuing State convention called for the purpose of nominating State officers. In all other cases the candidate of each political party for nomination for any office who receives the greatest number of votes cast for candidates for any such office as set forth in the returns or as determined by the board of canvassers on the recount by it of said ballots, shall be declared the nominee of that political party for said office at the next ensuing general November election, or at the next city election, as the case may be, and the board of canvassers shall forthwith certify such nominations to the respective boards of election commissioners affected thereby: *Provided*, That in the case of a candidate for the office of United States Senator, the Board of State Canvassers shall certify the result of the primary election to the next succeeding legislature on the first day of the session.

SEC. 41. Any candidate voted for at any primary election provided for in this act, who conceives himself aggrieved on account of fraud or error by the board of primary election inspectors, in the count of the votes cast, or the returns made by said board, may, on or before the close of the day or days upon which the board of State, city, or county canvassers meet, present to and file with the chairman of the particular board, a written or printed petition, which shall be sworn to, and shall set forth as near as may be the nature of the errors or fraud complained of, and the particular township, ward, or precinct in which the alleged irregularities occurred and ask for a recount of the votes cast therein. Such petitioner shall at the same time deposit with the chairman of said board the sum of ten dollars for each and every township or ward, the vote of which he requests to have recounted by said board: *Provided*, That no candidate shall be required to deposit more than one hundred dollars. When said petition is filed and the amount herein prescribed is deposited, and after giving at least twenty-four hours' written notice thereof to the opposing candidate, by handing to such candidate a copy of the petition, or if such candidate cannot be found, by leaving such copy at his place of residence, with some person of suitable age, it shall be the duty of said board of canvassers to designate a time and place when the facts set forth in said petition shall be investigated and when the ballot boxes used in such election in such township or ward shall be

brought before it. The said board shall thereupon, in some public place where the interested candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such townships or wards and to make a recount thereof as to such candidates, and make a correct and complete return in writing showing the full number of votes cast and the names of the candidates and the number of the votes given to each. When the recount of each box is completed the said board shall at once return the ballots thereto, carefully lock and seal same, and deliver the ballot boxes to the officer having the care and custody thereof. The returns made by the said board of canvassers upon such recount shall be deemed to be correct, anything in the previous return from such township, ward or precinct, to the contrary notwithstanding. In all cases where, by reason of such recount, the petitioner succeeds in establishing fraud or mistake sufficient to change the result, the money deposited by him shall be refunded; otherwise it shall be turned into the treasury of the State, county or city, as the case may be. If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot to be cast then and there as the canvassing board may direct.

Recount.

Care of
ballots, etc.When fraud,
etc., estab-
lished.

Tie, vote.

SEC. 42. The several boards of election commissioners shall cause to be printed upon the official election ballots to be used at the November election, or at the city election, as the case may be, the names of the candidates for offices selected under the provisions of this act: *Provided*, That when any candidate shall die or shall withdraw as such candidate before the printing of the ballots, after having been nominated as herein provided, then the proper board of election commissioners shall cause to be printed or placed upon such ballot in place of the name of such candidate, the name of the candidate which shall be selected by the proper party committee as shown by the certificate of its chairman and secretary, in the manner provided for in the general election law. When such death or withdrawal shall occur subsequent to the printing of the official ballots, it shall be the duty of the said board of election commissioners, if time permits, to forward the various boards of election inspectors a slip containing the name of the candidate so certified by the chairman and secretary of the particular political party in the manner herein provided, which slip shall be pasted in the proper place upon the official ballot by the board of election inspectors. If in any case a person is nominated for any office by more than one political party, it shall be his duty to elect within five days after the official canvass of the returns of said primary election upon which ticket he wishes his name to appear, and unless such election is made such candidate's name shall not be printed on any ballot: *Provided*, That the candidates for city, county or district offices of a political party whose enrolled voters have not adopted the provisions of act one hundred eighty-one of the public acts

Printing of
names on
ballots.Proviso as to
death or
withdrawal
of candidate.Subsequent to
printing of
ballots.Nomination
of person by
more than
one party.Proviso as to
nominations
by convention.

of nineteen hundred five or the provisions of this act, shall be nominated in convention and the names of such candidates certified to the proper board of election commissioners and placed upon the official election ballots in the manner provided for by existing law.

County con-
vention, date
of.

To be held
on same day.

Delegates,
choice of.

District
conventions.

Candidates for
county offices.

State con-
ventions,
date of.

Cities, adop-
tion of M.
system in.

Misdemeanors,
what deemed.

SEC. 43. The county conventions of all political parties for the election of delegates to a State convention for the nomination of State officers, and for the nomination of delegates to district conventions, and for the nomination of candidates for county offices, shall be held within fifteen days after the first Tuesday in September preceding the November election. All such county conventions of any one political party shall be held on the same day throughout the State, which day shall be designated by the State Central Committee of such political party in its call for the State convention to nominate candidates for State officers. The time and place of meeting of such county convention shall be designated in the call issued therefor by the respective county committees of such political party. The number of delegates to which such county is entitled either at the State convention or at any district convention of which the county constitutes a part, shall be chosen at such county convention. The day upon which any district convention is to be held shall be designated in the call issued by the respective district committees of such political party. If candidates of such political party for county offices are not selected by a direct nominating system, candidates for county offices shall also be selected at such county convention.

SEC. 44. The State convention of all political parties for the nomination of candidates for State officers shall be held within forty days after the September primary, but not less than ten days after the day appointed for the meeting of the Board of State Canvassers for the purpose of canvassing the primary election returns mentioned in this act. The particular day and the time and place of meeting shall be designated by the State central committees of the various political parties in the calls for said State conventions, which calls shall be issued at least thirty days prior to the first Tuesday in September preceding a November election.

SEC. 45. Whenever the enrolled voters of any political party in any city shall decide to select party candidates, except candidates for ward offices, pursuant to the provisions of this act, the petitions for submission of the question, the submission of the question itself, the nomination of candidates, the printing of ballots, the conducting of the primary, and any other provisions for city nominations shall be governed, in so far as applicable, by the provisions of this act relative to the nomination of party candidates for county or district offices.

SEC. 46. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers, or promises any money or valuable consideration, or promises or endeavors to procure

any money, or valuable consideration or office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting or opposing any candidate on account of such voter having voted or refrained from voting at any primary election in this State; every person, who through any means, receives, agrees or contracts for any money, gift, fee, loan or valuable consideration, office, place, appointment or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or who after any primary election in this State, directly or indirectly by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or who in behalf of any firm, partnership, association or corporation, gives, lends or receives, or agrees to give, lend or receive, or offers or promises any money or valuable consideration, place, position or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate; or any State officer, whether elective or appointive, or appointee of any State officer, or any member or employee of any State board or any State employee who, directly or indirectly, circulates any petition herein provided for in the interest of any candidate or candidates except for himself; or any State officer, whether elective or appointive, or appointee of any State officer, or any member or employee of any State board, or any State employee who, directly or indirectly, solicits votes for any candidate for Governor, Lieutenant Governor or United States Senator, on primary election day or any time prior thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court. Penalty.

SEC. 47. Any person who shall, while the polls are open, at any polling place on any primary day, solicit votes in the said polling place, or within one hundred feet thereof; any person who shall offer or give to any other person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall violate any of the requirements or provisions of this act for which a penalty is not herein otherwise provided; any person who shall refuse or neglect to perform any duty enjoined upon him thereby; and any person who shall vote or attempt to vote more than once, or in more than one election district at the same primary election, shall be guilty of a misdemeanor and upon

Soliciting
votes in
polling place,
etc.

conviction thereof shall be subject to the punishment prescribed in section forty-six.

Non-performance of duties.

SEC. 48. When by this act any act or duty is required to be done or performed by or under the direction, supervision or authority of any officer, and such act or duty shall not be done or performed, then the officer who shall neglect to perform such act or duty, or who shall be responsible for such neglect, shall be guilty of a misdemeanor and shall be punished as provided in section forty-six.

Commencement of prosecutions.

SEC. 49. No prosecution for any offense mentioned in this act shall be maintained unless it shall be commenced within six months after the date of the primary election in connection with which the offense is alleged to have been committed. Neither the complaining witness, nor any other person who may be called to testify in any such proceeding, shall be liable to criminal prosecution under this act for any matters or causes in respect to which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Liability of witnesses.

Posters, county clerk to furnish.

SEC. 50. It shall be the duty of the county clerk of each county to cause to be printed large posters containing verbatim the whole of sections forty-six, forty-seven and forty-eight of this act, and shall furnish two of such posters to the board of primary election inspectors of each election precinct in his county at the same time that the official ballots for use at primary elections are delivered, and the board of primary election inspectors shall cause the said posters to be posted in conspicuous places in the polling place so that the same can be plainly seen and read by all persons at any primary election. It shall be the duty of the clerk of any city, township or village in which this act is operative to deliver to the board of primary election inspectors of each election precinct within his jurisdiction, before the time for opening of the polls on primary election day, the register of electors and the party enrollment book and the blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act.

City, village and township clerks, duty of.

Liquors, sale of, on primary days.

SEC. 51. The day on which any primary election shall be held pursuant to the provisions of this act, shall be deemed to be an election day in any city, county or district where such primary election is held within the meaning of section seventeen of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors, and vinous liquors in this State, and to repeal all acts and parts of acts inconsistent with the provisions of this act."

Act repealed.

SEC. 52. Act number one hundred eighty-one of the public acts of nineteen hundred five, entitled "An act relative to the nomination of party candidates for public office and delegates

to political conventions, in certain cases; to regulate and protect primary elections, and to prescribe penalties for violations of the provisions hereof," is hereby repealed, except that the enrollment of voters had thereunder shall continue in force as herein provided.

Approved October 24, 1907.

[No. 5.]

AN ACT to repeal section twenty-five and to amend sections ten, twenty-seven, fifty-three and fifty-eight of act number two hundred four of the public acts of nineteen hundred one, as amended by act number one hundred eleven of the public acts of nineteen hundred five, entitled "An act to increase the efficiency of the military establishment of the State of Michigan and to repeal all former acts or parts of acts inconsistent with the provisions of this act."

The People of the State of Michigan enact:

SECTION 1. Section twenty-five of act number two hundred four of the public acts of nineteen hundred one as amended by act number one hundred eleven of the public acts of nineteen hundred five, entitled "An act to increase the efficiency of the military establishment of the State of Michigan, and to repeal all former acts or parts of acts inconsistent with the provisions of this act," is hereby repealed, and sections ten, twenty-seven, fifty-three and fifty-eight of said act are hereby amended to read as follows:

Sections
repealed and
amended.

SEC. 10. Each regiment of infantry shall consist of the same number of battalions and companies, of officers, non-commissioned officers and musicians as shall be prescribed from time to time for like organizations in the United States army, as near as may be, subject to the rules and regulations prescribed by the State Military Board. The organization, armament and discipline of the Michigan National Guard shall be the same as that which is now, or may hereafter be prescribed for the regular and volunteer armies of the United States; and the Governor may, by proper order, perfect such organization, armament and discipline, at any time, so as to comply with the laws, rules and regulations that may be prescribed for the regular and volunteer armies of the United States. The term of enlistment in the Michigan National Guard shall be for three years, and company officers, except when elected to fill a vacancy, shall be commissioned for a term of three years and until their successors shall be commissioned.

Regiments
of infantry,
what to
consist of.

National
guard, how
organized, etc.

Term of
enlistment.

SEC. 27. For the purpose of providing the necessary expenses to carry out the provisions of this act, it shall be the duty of the Auditor General, at the time of apportioning the

"State military fund,"
how raised,
etc.

State taxes to apportion each year among the several counties of the State, in proportion to the whole amount of real and personal property therein, as equalized by the State Board of Equalization, a sum equal to six cents for each person who, as it shall appear by the last preceding census, was a resident of this State, which sum so apportioned shall be collected in the same manner as other State taxes, and shall constitute the State military fund. The fund herein provided for the expense of the Michigan National Guard, shall be a continuing fund available only for that purpose and shall not be diverted to any other fund or used for any other purpose.

Not used
for other
purposes.

Armories,
agreement as
to joint use
of, by certain
associations.

Proviso as to
approving
terms.

Construction,
etc., of, by
state.

Annual appro-
priation,
amount of.

Armory build-
ing fund.

How paid
out, etc.

Military
board to have
general super-
vision, etc.

To accept and
condemn sites
for armories.

Proviso.

SEC. 53. Any corporation organized under this act may, with the consent of the State Military Board, enter into an agreement with any athletic, literary, or Young Men's Christian Association or Grand Army of the Republic, respecting the joint use by said military corporation and said other named corporations of any gymnasium, or other part of any armory erected or leased by said military corporation, either in connection with a building to be erected by said athletic, literary, or Young Men's Christian Association or Grand Army of the Republic, or separately: *Provided, however,* That the terms and stipulations of said agreement shall be first approved by the State Military Board. Armories may also be constructed and equipped by the State, for the use of the permanent organized militia of the State, as hereinafter provided. To provide a fund for this purpose, there shall be appropriated not to exceed forty thousand dollars annually until the amount raised shall be sufficient to provide each organization of the permanent organized militia with an armory under the terms of this act. The amounts raised under the provisions of this section for building armories shall be paid into the State treasury and carried in a fund to be known as the armory building fund. This money shall be paid out by the treasurer upon the warrant of the State Military Board, approved by the Governor in the same manner as funds are paid out of the military fund upon the warrant of the Military Board, and they shall be paid out only for the purpose of erecting and equipping armories, as hereinafter provided. The Military Board shall have general supervision of the preparing of plans and specifications for armories, of letting contracts for the erection, furnishing and equipping the same, and of providing for the inspection of the erection thereof. And all expenses connected therewith shall be a charge on, and be payable out of the armory building fund. The State Military Board shall have power to accept land for sites for armories, said sites to be without cost to the State of Michigan, and take title thereto in the name of the State of Michigan, and shall institute all necessary proceedings for the purpose of condemning land for armory building sites: *Provided,* That such proceedings shall be instituted only when the amount to be paid upon the verdict of the jury

in the proceeding shall have been deposited with or adequately guaranteed to the State Military Board. The Military Board shall have power to procure title to property and cause examination thereof to be made, and to condemn property for the purpose of using same for armories erected under authority of this act. When it is necessary to condemn lands for the purposes of this act, the Military Board shall have power to cause proceedings therefor to be instituted by the State of Michigan for the purpose of obtaining such land and said proceedings shall be started, maintained and terminated in the same manner as is now provided by law when it becomes necessary for the State of Michigan to condemn property for public purposes. The use of lands for armory building sites is hereby declared to be a necessary public purpose. When the State Military Board deems it advisable to erect an armory for any of the organizations of the National Guard, it shall cause plans, specifications and estimates to be prepared for an armory at the place it has so directed, and when the same shall have been prepared and approved by the Governor it shall proceed to erect said armory as hereinafter directed in this act. If, after the plans, specifications and estimates have been prepared in the manner herein provided, the military organization or organizations for which the proposed armory is to be erected, or some person or persons, firm, corporation or municipality acting for such military organization, shall deposit with the State Treasurer for the credit of such armory building fund, an amount in cash or certified check, equal to the difference between the estimated cost and the amount appropriated by the State for such armory; and when such amount shall have been deposited as aforesaid, the State Military Board shall advertise for sealed bids for the erection, equipping and furnishing of the same, and which advertisement shall be published in one paper in the city or county in which the armory is to be erected and also in a paper devoted to the interests of building and contractor's trade having a general circulation throughout the United States. All bids received under said advertisement shall be filed in the office of the Adjutant General and must be accompanied by a forfeit consisting of a deposit of cash or a certified check equivalent to two per cent. of the estimate of said armory, conditioned upon the bidder entering into a contract, providing his bid is accepted, and all money forfeited shall be placed to the credit of the armory building fund. Upon the day specified in said advertisement the bids received shall be opened by the Military Board, and the lowest bid which complies with the plans and specifications submitted may be accepted. If a bid so made is accepted the State Military Board shall cause to be prepared a contract and bond between themselves as representing the State of Michigan, and the contractor for the completion of the armory and the protection of the State. Such contract and bond shall be prepared by the Attorney General of the State and shall pro-

To procure title, etc.

Proceedings for condemning land for sites, how commenced.

Preparing and approving of plans, etc., of armory.

Donation of difference between estimate and appropriation, where deposited.

Bids, when and how advertised for.

Where filed.

Amount of forfeit to accompany bids, where credited.

Bids, opening of.

Contract and bond, preparing of etc.,

Inspection of armory and filing of report relative to.

Final payment, when made.

In case of full amount of donation not used.

Board may reject and re-advertise for bids.

In case of default.

Represented in legal work by attorney general.

Have power to receive donations, etc.

Counties, etc., authorized to make contributions.

Maximum amount expended by state for company.

Board to have authority to purchase certain armories.

Purchasing price limited.

In case of disbandment of organization occupying armory.

vide for the completion of the armory and to protect the State for the pay of material, men and employees. Said contract may provide for payments from time to time in the manner therein specified, but in no case shall the advance payment exceed eighty-five per cent. of the bid. When the armory is completed the Military Board shall inspect the same, and if satisfied shall file its report to that effect with the Governor, and not until such report is filed and approved by the Governor shall the final payment be made upon said contract, and if upon making such final payment it is shown that the full amount of the deposit or donation made by any organization, person, firm, corporation or municipality was not used in addition to the amount appropriated by the State for the erection of such armory, the amount remaining shall be returned by the State Treasurer to the person or persons, firm, corporation or municipality making the deposit or donation. Upon opening bids as aforesaid, the Military Board may reject any and all bids, and may re-advertise for bids. In case of default, the Military Board can sue on the bond and advertise for other bids for the completion of the work. In all cases where it is necessary to condemn lands, examine abstracts, sue on bonds, or have other legal work done, the Attorney General shall represent the Military Board in said work or litigation. The Military Board shall have power to receive from counties, cities, municipalities or other sources, donations of land or contributions of money to aid in providing or erecting armories throughout the State of Michigan, for the use of the National Guard of Michigan, and which shall be held as other property for the use of the National Guard of the State of Michigan, and counties, cities or municipalities are hereby authorized to make such contributions for the purposes of this act, and are authorized to purchase land or issue bonds for the purpose of raising money for said contribution, if the board of supervisors of the county or the common council of a city by a majority vote decide to do so. The maximum amount to be expended by the State for any one company shall be ten thousand dollars, which shall be exclusive of and in addition to any gift or donation made to and for the benefit of any particular armory. If any organization of the National Guard of this State shall have an armory of their own erected by themselves, or by any person for them, and the title thereof is in said organization, the Military Board shall have authority, if its action is approved by the Governor, to purchase said armory and take the title thereof in the State, and to alter, repair, furnish and equip said armory, but the amount so paid for said armory, alterations, repairs, furnishing and equipping, shall in no case exceed an amount equal to ten thousand dollars for each company of the organization owning and occupying such armory, and in no case shall exceed one-half of the actual value thereof. Upon the disbandment of an organization of the National Guard of Michigan, occupying and using an armory under the provisions of this

act, it shall be the duty of the Quartermaster General to take charge of such armory, and when so directed by the Governor he shall sell such armory at public or private sale at such time as directed by the Military Board, after due publication, for the highest price that can be obtained for the same, and shall deposit in the State treasury, to the credit of the armory building fund, out of the proceeds of such sale, an amount equal to the amount originally paid by the State towards the erection of such armory, refunding the balance, if any there be, to the person, firm, corporation or municipality which made the gift or donation under the provisions of this act: *Provided*, That if any of the bids do not equal the amount originally paid by the State towards the erection or purchase of said armory, the Quartermaster General may reject any and all bids received. The Military Board shall make a report annually of the proceedings incident to the location and management of such armories, respectively; also, a detailed account of disbursements; which shall be filed in the office of the Auditor General and a copy furnished the Adjutant General for publication in the biennial report of the Adjutant General's Department. For each armory erected under the provisions of this law, there shall be a board of control, which in the case of armories occupied by one or more companies, and less than a battalion, shall consist of the three line officers highest in rank, belonging to the organization therein quartered. In case of an armory occupied by a battalion or squadron it shall consist of the battalion or squadron commander and the four highest ranking line officers of the organization quartered therein. In case the armory is occupied by a force larger than a battalion or squadron it shall consist of the seven highest ranking field or line officers in the organization quartered therein. One officer of each board of control herein provided for shall be designated as a disbursing officer, by said board of control, and shall give a bond to the Quartermaster General for the proper disbursement of funds coming into his hands for the maintenance of the armory to which he is attached. For the purpose of providing for the expense necessary for the maintaining, heating and lighting of the armories of the permanent organized militia herein provided, or such portion thereof in each as is used or occupied by an organization of the permanent organized militia, the board of control of such armories shall receive from the Quartermaster General of the State out of the military fund the following armory allowances which shall constitute an armory maintenance fund in the hands of the disbursing officer of said board of control: Single companies occupying an armory, or a portion thereof, five hundred dollars per annum; two or more companies occupying the same armory, or a portion thereof, an annual amount equivalent to five hundred dollars for each company occupying said armory; said annual armory allowance shall be paid by the Quartermaster General to the said disbursing officer in equal

When armory may be sold, disposition of proceeds.

Proviso.

Board to make annual reports, etc., when filed.

Board of control of armory.

Disbursing officers, who to be, to give bonds.

Armory maintenance fund.

Amount of.

How and when paid.

semi-annual payments, on January first and July first of each year: *Provided*, That amounts paid to organizations of the Michigan Naval Brigade or to disbursing officers, for the maintenance of armories wherein divisions of the Naval Brigade are quartered, shall be paid out of the funds provided for the maintenance of the Michigan Naval Brigade. The armories erected, constructed and owned by the State of Michigan, by virtue of this act, shall be for the use and benefit of the permanent organized militia quartered therein. They shall be used for no other purpose except as hereinafter provided. The sale to, or use by the National Guard of intoxicating liquors therein is absolutely prohibited, and any officer or enlisted man guilty of violating this portion of the law shall be punished as a court martial may direct. The board of control may rent the armory to outside parties for temporary purposes, subject to regulations to be prescribed by the State Military Board. The money derived from rental of said armory shall be paid into the armory maintenance fund of the board of control of said armory. The board of control of armories shall make such reports of the receipts and expenditures of funds coming into their hands under this act for the maintenance of armories, as the State Military Board shall, from time to time, prescribe in regulations. The State Military Board may quarter units of the Michigan Naval Brigade in the same armory as the Michigan National Guard and in such case for the purpose of those parts of this act for the use of the armory the use of the word company shall include a division. The designation "company," as used in this act, shall be understood and construed to mean a company of infantry, artillery, engineers, or signal corps, a battery of field artillery, a troop of cavalry, or any detachment of the aforesaid organizations or a permanent detachment of the hospital corps assigned to a line or staff organization, a field hospital or a band. The designation "battalion," applies in like manner to a squadron of cavalry.

SEC. 58. All officers and enlisted men shall receive for each day actually spent by them on duty in the encampments authorized by this act, on actual service, or on any duty under orders of the Governor, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the following compensation, together with the necessary transportation, to wit: To each enlisted man below the rank of corporal, one dollar and twenty-five cents per day; to each corporal, one dollar and thirty-five cents per day; to each non-commissioned officer, above the rank of corporal and below the rank of first sergeant, and to each cook, one dollar and forty-five cents per day; to first sergeants and all non-commissioned officers above the grade of first sergeant and below regimental sergeant-major, one dollar and fifty-five cents per day; and to regimental sergeants-major, one dollar and sixty-five cents per day; and to each enlisted man, subsistence, the cost of the same not to

Proviso as to
naval brigade.

Armories
owned by
state to be
for use of
militia
quartered
therein.

Intoxicating
liquors,
sale or use of,
in armory
prohibited.

Rent of
armory to
outside
parties.

Money de-
rived from
rental, where
paid.

Board of
control to
make reports.

Units of
naval brigade
may be
quartered
with national
guard.

"Company,"
how con-
strued.

"Battalion,"
how applied.

Compensation,
etc., of offi-
cers and men,
in case of
encampments.

exceed seventy cents per day, the difference between the cost of rations and seventy cents per day, to be paid in money to said enlisted men at the time of the payment for such service; to all officers, the pay and allowances as fixed by law or regulations for officers of the army of the same rank in the service of the United States, together with the necessary expense of horses for the mounted officers: *Provided*, That in case of all officers who, under this act, are paid an annual salary of more than one hundred dollars, the pay of their grade shall be in lieu of such annual salary during the time for which it is paid: And *Provided further*, That generals of the brigades and the commander of the naval brigade as members of the State Military Board, shall each receive an annual salary of five hundred dollars: And *Provided further*, That hereafter, each officer upon his first appointment as an officer shall be paid the sum of fifty dollars as an equipment allowance: And *Provided further*, That any officer or enlisted man guilty of drunkenness at any annual encampment, or on the way to or from such encampment, shall forfeit all pay for that entire tour of camp duty, and it shall be the duty of the officer charged with making the pay rolls, to note the fact of intoxication or drunkenness against the name of the person guilty thereof. All officers and enlisted men shall receive for their service for each day actually spent by them on duty, in case of riot, tumult, breach of the peace, resistance of process, or whenever legally called upon in aid of the civil authorities, and for the time actually spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the compensation provided for in this act. Such compensation, subsistence, and allowances and cost of transportation and the cost of all ammunition used or purchased for use by any officer in command of the National Guard so called out, shall be audited and allowed by the Auditor General when detailed bills are presented, properly certified by the commanding officer of such troops and approved by the Quartermaster General. The Auditor General shall, upon auditing and allowing such accounts, draw his warrant therefor upon the State Treasurer who is hereby authorized and required to pay same, and any such sums so audited and paid are hereby appropriated out of the moneys in the general fund not otherwise appropriated. And the Auditor General shall charge all such moneys so drawn to the county or counties in which such service is rendered, to be collected and returned to the general fund in the same manner as any other county indebtedness to the State is required by law to be collected and returned to the general fund. There shall be paid to each enlisted man for attendance and performance of duty at regular drills not to exceed forty drills in any one year, said drills not to be of less than one and one-half hours actual duration, the following sums, viz.: All below the rank of corporal twenty cents, corporals twenty-five cents, sergeants thirty cents, and all enlisted men above the rank of sergeant

Proviso as to certain salaried officers.

Further proviso as to members of military board.

Further proviso as to equipment allowance.

Further proviso as to drunkenness.

Compensation, etc., in case of riot, etc.

To be audited, etc.

How paid.

Charged against counties served.

Compensation for attending drills.

forty cents; and to each enlisted man qualifying as a marksman shall be paid the additional sum of ten per cent., to each sharpshooter fifteen per cent. and to each expert rifleman twenty per cent. of the pay due his rank for attendance at regular drills for the year succeeding that in which said qualifications were made. Said amounts shall be due and payable semi-annually on April thirtieth and October thirty-first each year, and shall be allowed and paid out of the funds annually provided for the support of the organized militia: *Provided*, That any soldier absenting himself without a reasonable and satisfactory excuse from any regular drill, special drill, inspection, parade or target practice, shall forfeit a sum equal to the amount to which he would have been entitled for attendance at a regular drill, and the same shall be noted on the pay roll and deducted from his pay: *Provided further*, That any soldier dishonorably discharged shall forfeit all pay and allowances provided by this act: *Provided further*, That no sum shall be allowed except for actual presence and duty performed at any of the aforesaid regular drills. No pay provided for in this act shall be paid to any soldier until after an inspection is had of all military property, for which such soldier is responsible, and the cost value of any shortage, damage or unnecessarily injured property may be deducted from the amount due such soldier before the sum is paid.

This act is ordered to take immediate effect.

Approved October 24, 1907.

[No. 6.]

AN ACT to define, and to regulate the treatment and control of, dependent, neglected and delinquent children; to prescribe the jurisdiction of the probate courts and the powers, duties and compensation of the probate judges with regard thereto; to provide for the appointment of county agents and probation officers and to prescribe their powers, duties and compensation.

The People of the State of Michigan enact:

Dependent
and neglected
children
defined.

SECTION 1. This act shall apply only to minors. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned or dependent upon the public for support or who has not proper parental care or guardianship or who habitually begs or receives alms or who is found living in any house of ill-fame or with any vicious or disreputable person or whose home by reason of neglect, cruelty or depravity, on the part of its parents, guardian, or

other person in whose care it may be, is an unfit place for such child; any child under the age of twelve years who is found begging, peddling or singing or playing any musical instrument as a business or who accompanies or is used in the aid of any person so doing. The words "delinquent child" shall include any boy or girl under seventeen years of age, who violates any law of this State or any city or village ordinance, or who is incorrigible or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill-repute, or who knowingly patronizes or frequents any policy shop or place where any gaming device is or shall be operated; or who patronizes or frequents any saloon or place where intoxicating liquors are sold, or who frequents or patronizes any public pool-room or bucket shop, or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yard or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane, or indecent language or is guilty of immoral conduct in any public place or about any school house; every child who is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever excepting in subsequent cases against the same child under this act.

Delinquent children defined.

Juvenile delinquent person, when child deemed.

SEC. 2. The probate court shall have original jurisdiction in all cases coming within the terms of this act, and while proceeding under this act shall be termed Juvenile Division of the Probate Court. In all trials under this act, any person interested therein may demand a jury of six or the judge of his own motion may order a jury of the same number to try the case, and the jury so ordered shall be summoned and empanelled in accordance with the law relating to juries in courts held by justices of the peace: *Provided*, That in case the judge of probate in any county is so occupied with the duty devolving upon him in the probate court as not to have time to attend to the cases arising under this act and shall so certify to the circuit court, the circuit judge or one of them in districts where there is more than one circuit judge, to be designated by the judges of said court, shall hear the cases under this act provided to be heard by the judge of probate, but said circuit judge shall not exercise the powers of the probate court in such cases for a longer period than two

Probate court to have jurisdiction.

Jury of six how and when empanelled.

Proviso, when case may be heard in circuit court.

Proceedings not deemed criminal proceedings.	months, unless a new certificate and designation be made, which shall, in like manner, be effective for a like period.
Felony tried by criminal procedure.	Proceedings under this act shall not be deemed to be criminal proceedings and this act shall not prevent the trial by criminal procedure in the proper courts of children over fourteen years of age, charged with the commission of a felony.
Trials, etc., where held.	SEC. 3. All examinations or trials of cases coming under the provisions of this act shall be held in the probate court room or chambers, or in a room in the county court house or in a suitable apartment conveniently near the said court house.
"Juvenile court record."	The proceedings and finding of the court in all examinations and trials of such cases shall be entered in a book or books to be kept for that purpose and shall be known as the Juvenile Record. The judge may exclude from the court room in trials under this act any person whose presence is deemed prejudicial to the interests of the child or the public, when such person does not have a recognized personal interest in the case. It shall be the duty of the board of supervisors in each county within ninety days after this act shall take effect, to provide and maintain at public expense, a detention room or house of detention or other suitable place, separate from the jail, lockup, police station or other place of confinement used for the incarceration of adult criminals or adults charged with crimes or misdemeanors. Such detention place shall be properly located both for the convenience of the court work, and with a view to the healthful, physical and moral environment of all children within the provisions of this act, who shall, when necessary, be detained in such place of detention so provided. Such place of detention shall be in charge of a matron or other person, capable and of good moral character.
Exclusion of certain persons from court room.	Any child held in said place of detention shall have the right to give bond or other security for its appearance at the trial of such case, and the court may, in any such case appoint counsel to appear and defend, on behalf of any such child, who shall be paid out of the general fund of the county or city for such services, such sum as the court shall direct:
Detention place to be provided, etc.	<i>Provided</i> , That the prosecuting attorney shall appear for the people when ordered by the court.
Location of.	SEC. 4. The Governor shall appoint, in each county of this State, an agent of the State Board of Corrections and Charities, for the care and protection of dependent, neglected and delinquent children, who shall hold his office during the pleasure of the Governor, and shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State, and upon such qualification, it shall be the duty of the county clerk to immediately transmit notice thereof to the judge of the court, and to the superintendents of all State and incorporated institutions authorized to receive, or place
In whose charge.	
Child may give bond, etc.	
Appointment of counsel for defense, how paid.	
Proviso as to prosecuting attorney.	
County agents, appointment of.	
Oath of office, filing of, etc.	

out on contract, indenture or adoption, any child. The said agent shall receive as compensation for his services under this act, his necessary official expenses, together with the sum of three dollars in full for each day ordered by the court, the superintendent of any State institution, or the State Board of Corrections and Charities, but not exceeding three dollars for any one day's service which shall be audited by the Board of State Auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption or visiting of children placed in families by State institutions, the amounts thereof shall be certified by the superintendent of the institution to which the child may belong; and when such service shall be ordered by the court the amount thereof shall be certified by the court ordering such service; such bill shall specify the time spent, manner of travel, miles traveled and each item of expense incurred. Said agent shall visit all children resident in the county for which he is appointed which shall have been indentured to any person therein by any State institution whenever he shall be so requested to do by the superintendent of the institution or the State Board of Corrections and Charities, and shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time, and if it shall come to the knowledge of such agent when making such visits, or at any other time, that any child thus placed in charge of any person as aforesaid is neglected, abused, or improperly treated by the persons having such child in charge, or if such person is unfit to have the care thereof, he shall report the fact to the superintendent of the State institution by which the child was indentured, and the board of such institution, or the superintendent thereof, who may be so authorized to do by said board, on being satisfied that the interests of the child require it shall cancel the indenture by which the child was placed in the family, and shall remove the child to some other family home or directly to the State institution from which the child was indentured. All indentures by which any child shall be placed in a home from any State institution shall reserve the right in the board making the indenture, to cancel the same whenever in the opinion of the board the interests of the child require it. Whenever any indenture is canceled as herein provided, or whenever any child indentured from any State institution has been adopted, notice thereof shall be given to said agent of the county where the child was indentured, by the superintendent of the State institution from which the child was indentured or adopted.

Compensation,
how paid.

Services, etc.,
by whom
certified.

Duties of.

Indentures,
cancellation
of.

Notice of
cancellation.

SEC. 5. Upon the filing with the court of a sworn petition, setting forth upon knowledge, or upon information and belief, the facts showing that any child resident in said county, is a delinquent, dependent or neglected child within the meaning of section one of this act, the court may, before any further pro-

Petition as to
delinquent
children,
filing of.

Notice of to
county agent.

County agent
to investigate
etc. *

Summons,
when and to
whom issued
by court.

In case of
failure to
appear.

When writ
may issue.

Proceedings
in case.

When child
may be re-
turned to
parents, etc.

In case of
malicious
trespass.
In case of
larceny.

Child may
be ward of
court.

ceeding is had in the case, give notice thereof to said county agent, or to a duly appointed probation officer, who shall have opportunity allowed him to investigate the facts and circumstances surrounding the case, and upon receiving such notice, the county agent or probation officer shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child and all the facts and circumstances of the case, and report the same to the said court, in writing; and if, after full investigation, it shall appear to the court that the public interest and the interest of the child will be best subserved thereby, a summons shall issue, reciting the substance of the petition and requiring the person or persons having custody or control of the child or with whom the child may be, to appear with the child at a place and time which shall be stated in the summons; and if such person is other than the parent or guardian of such child, then said parent or guardian shall be notified of the pendency of the case. When said parents or guardians are non-residents of the county or cannot be found, such notice shall not be required. If any person so summoned as herein provided shall fail without reasonable cause to appear with the child and abide the order of the court, he may be proceeded against for contempt of court under and in accordance with the provisions of chapters thirty-eight and three hundred one of the Compiled Laws of eighteen hundred ninety-seven. In case the summons cannot be served, or parties fail to obey the summons and in any case when it shall appear to the court that such summons will be ineffectual, upon complaint on oath and writing, a writ may issue reciting the substance of the complaint and requiring the officer to whom it is directed to bring such child before the court to be dealt with according to law and said child may be committed to the care of the county agent or probation officer, or such other person as the court may designate, pending the final disposition of the case. On the return of the summons or writ, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case upon such testimony as may be produced, and if the allegations against the child are proved the court may adjudge said child a delinquent, dependent or neglected child as the case may be, and if it shall appear to the court that the public interests and the interests of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents or guardians or friends; or if the offense be malicious trespass the court may as a condition of probation require the damage to be made good, or if the offense be larceny and the stolen property be not restored, the court as a condition of probation may require it to be paid for by the child, if it be shown that he is capable of earning the money, or has money of his own, or the court may place the child under probation as hereinafter provided, and in all cases the court may decree the child found delinquent, dependent or neglected to be the ward of the court as far as its

person is concerned, and in such cases where any child has been decreed to a ward of the court, the authority of the court over its person shall continue until the court shall otherwise decree. The court may, in its discretion, appoint one or more discreet persons of good character, other than the county agent, to act as probation officers, who, under the order of the court, shall exercise in all cases assigned them the same authority, direction and control of said child as is exercised by the county agent in like circumstances. Said probation officers shall report to the court upon all cases under their care, and also to the State Board of Corrections and Charities: *Provided*, That the probation officers so appointed shall receive no compensation from the public treasury for the duties performed under such appointment. The child found delinquent may be placed on probation for such time and upon such condition as the court may determine and such child so released on probation may be furnished with a written statement of the terms and conditions of release. At any time during the probationary term of a child released on probation as aforesaid, the court may, in its discretion, revoke or terminate such probation. If the child be found to be willfully wayward and unmanageable, and in any case upon the adjudication of delinquency, if in the judgment of the court the welfare of the child and the interests of the public require, the court may cause him or her to be sent to the Industrial School for Boys at Lansing, or the Industrial Home for Girls at Adrian, or to any State institution authorized by law to receive such boy or girl subject to such conditions of sex, age and character of offense for which committed and duration of commitment, as is or may be provided by law for the reception of children in said school, home or institution, and in such case the report of the county agent or probation officer shall be attached to the mittimus and the child shall be placed in charge of the county agent or some person designated by the court to be conveyed to the institution, for which service the same compensation shall be allowed as is paid sheriffs in like cases: *Provided*, That when a girl is to be conveyed to any institution, the court shall appoint a suitable woman to accompany such girl.

Probation officers, appointment and duties of.

To report.

Proviso as to compensation.

Delinquent child may be placed on probation.

Court may revoke probation.

When child may be sent to certain institution.

Proviso as to conveying girls.

SEC. 6. Whenever any child under the age of seventeen years is arrested, with or without a warrant, such child shall be taken immediately before the Juvenile Division of the Probate Court, and the officer making the arrest shall immediately make and file a petition against such child as hereinbefore provided; and the said court shall proceed to hear and determine the matter in like manner as hereinbefore provided. If, during the pendency of any criminal case against any child in any police or justice court of this State, it shall be ascertained that said child is under the age of seventeen years, it shall be the duty of the police magistrate or justice of the peace before whom such case is pending, to immediately transfer such case, together with all papers connected there-

Child under seventeen arrested, to be taken immediately before the juvenile court.

When case to be transferred from police court, etc.

Proceedings
of juvenile
court upon
transfer.

with to the said court, except in cases where the child is over fourteen years of age and is charged with a felony. Upon such transfer the said court may proceed to hear and dispose of the case in the same manner as if said child had been brought before the court upon petition, as hereinbefore provided, and the court shall require an investigation to be made as in other cases under this act.

Dependent
child under
seventeen
may be com-
mitted to
state insti-
tution, etc.

SEC. 7. When any child under the age of seventeen years shall be found to be a dependent or neglected child within the meaning of this act, the court may make an order committing the child to the care of some suitable State institution subject to the law and regulations governing such institution, or to the care of some reputable citizen of good moral character, or to the care of some training school, or industrial school as such provided by law, to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been approved by the State Board of Corrections and Charities. The court shall, when the health or condition of the child shall require, cause the child to be placed in a public hospital or in an institution for treatment or special care, or in a private hospital or institution, for special care or treatment, the expense to be paid from the general fund of the county of which the child is a resident.

When placed
in hospital,
etc.

Child under
twelve not
committed to
jail, etc.

SEC. 8. No child under the age of twelve years shall be committed to any jail or police station, but may be committed to the care or custody of the county agent or other suitable person or duly appointed probation officer who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. No child under seventeen years of age while under arrest, confinement, or conviction for any crime, shall be placed in any apartment or cell of any prison or place of confinement with any adult who shall be under arrest, confinement, or conviction of any crime, or be permitted to remain in any court room during the trial of adults, or be transported in any vehicle of transportation in company with adults charged with or convicted of crime: *Provided*, That this shall not be construed as repealing act number one hundred ten of the public acts of nineteen hundred one.

Child under
seventeen
under arrest,
etc., not con-
fined with
adults.

Proviso, not
construed to
repeal certain
act.

Judges of
probate,
compensation,
to.

SEC. 9. The judges of probate shall receive for their services under this act in addition to their regular salary the sum of one hundred dollars for each fifteen thousand inhabitants or fraction thereof in their respective counties, which shall be paid from the same fund and in the same manner as their regular salaries are now paid: *Provided*, That in counties having cities in which municipal juvenile courts are or may be established, the population of said cities shall be deducted in computing the amount of salary of the probate judge for said county.

Proviso as to
counties hav-
ing cities
with juvenile
courts.

SEC. 10. All children while under orders of the court shall be in the care and custody of the county agent or probation officer or such other person as the court may designate, and all necessary expenses incurred for the proper care and maintenance of said children while in such custody shall be paid by the county treasurer on the order of the court. Children under orders of court to be in care of county agent, etc.

SEC. 11. Children intended by this act shall not be indentured, apprenticed or otherwise disposed of, until the person applying for any such child shall have been approved in writing by the county agent of the county in which such person resides. County agent to approve persons applying for children.

SEC. 12. In case of the absence or disability of the probate judge, the provisions of the general law as to filling such temporary vacancies shall apply in all proceedings under this act. Probate judge, temporary vacancy of, how filled.

SEC. 13. All acts or parts of acts inconsistent herewith are hereby repealed, except as to the counties of Houghton and Marquette: *Provided*, That this act shall not affect any proceeding or proceedings pending at the time this act takes effect: And *Provided further*, That this act shall not affect the provisions of act number six hundred eighty-four, local acts of nineteen hundred seven, providing for a municipal juvenile court for the city of Detroit in the county of Wayne: And *Provided further*, That the provisions of this act shall not apply to the counties of Houghton and Marquette. Repealing clause. Proviso. Further proviso. Further proviso.

This act is ordered to take immediate effect.

Approved October 24, 1907.

[No. 7.]

AN ACT to amend sections three and ten of act number two hundred eighty-seven of the public acts of nineteen hundred seven, entitled "An act to provide for the casting, registering, recording and counting of ballots or votes at any regular or special election held in the State of Michigan, by means of voting machines; to provide for the purchase of same and to repeal all acts or parts of acts inconsistent herewith."

The People of the State of Michigan enact:

SECTION 1. Sections three and ten of act number two hundred eighty-seven of the public acts of nineteen hundred seven, entitled "An act to provide for the casting, registering, recording and counting of ballots or votes at any regular or special election held in the State of Michigan, by means of voting machines; to provide for the purchase of same and to repeal all acts or parts of acts inconsistent herewith," are hereby amended to read as follows: Sections amended.

Voting machine, how constructed.

SEC. 3. A voting machine to be purchased as provided in section two of this act must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, and must permit all voters to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in secrecy. It shall also be so constructed that votes may be cast thereon for constitutional amendments or any other public measure; it must also be so constructed as to provide for at least thirty candidates for each party organization at any and all elections and said machine must be constructed of good and durable material in a workmanlike manner, and also so constructed that it can be easily and conveniently operated by inspectors of election and the voters; it must also be so constructed as to prevent voting for more than one person for the same office, except where the voter is entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for any and all persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice. It may also be provided with one ballot in each column containing the words "Presidential Electors," preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors.

To prevent illegal voting.

Ballots for "presidential electors."

"Independent ballots."

Provision for combination that cannot be voted on machine.

Instructions to voters.

Proviso.

Penalty for removing blank ballots or appliances.

SEC. 10. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as "Independent Ballots." To provide any and every voter who desires to vote for any person whose name is not on the machine, or for any combination of names that could not be voted with the machine, with means by which he can so vote, the inspectors of election shall, prior to the opening of the polls, place inside the curtains or other enclosure inclosing the face of the machine, in a device provided therefor, a reasonable number of blank ballots, together with pencil and appliances necessary for the voting thereof. The inspectors of election shall also cause to be placed in a conspicuous place inside the polling place at least two cards not less than twelve inches square on which shall be plainly printed full and explicit instructions for the use of such ballots. A voter desiring to vote as aforesaid may fill out one of said ballots with the names of the persons he desires to vote for, but which could not be voted with the machine, designate for which of the candidates he desires the remainder of his ticket to be voted, place the same in the appliance provided therefor, and deposit such appliance containing said ballot in the receptacle on the machine provided for the independent ballot, and the ballot so cast shall be counted at the close of the election: *Provided*, It contains a name or names that could not have been voted with the machine. Any person removing from said enclosure any of said blank ballots or appliances provided for the voting of the same, excepting for

the purpose of using the same in the manner hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail of the county in which such offense shall be committed for a period of not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

Approved October 24, 1907.

LOCAL ACTS OF 1907

EXTRA SESSION

LOCAL ACTS.

[No. 1.]

AN ACT to annex all that territory situate in the village of Fairview, in the township of Grosse Pointe, in the county of Wayne, lying and being west of a line two hundred feet east of the Alter Road in said village of Fairview, and extending from the northerly limits of said village to Lake St. Clair to the city of Detroit, and make operative in said territory the charter of the city of Detroit and all statutes, laws and ordinances now or hereafter made applicable to and operative in said city, and to repeal act number five hundred one of the local acts of nineteen hundred three, entitled "An act to incorporate the village of Fairview, in the township of Grosse Pointe, Wayne county."

The People of the State of Michigan enact:

SECTION 1. All that territory situate in the village of Fairview, in the township of Grosse Pointe, in the county of Wayne, lying and being west of a line two hundred feet east of Alter Road in said village of Fairview and extending from the northerly limits of said village to Lake St. Clair, shall, by virtue of this act, be annexed to and form a part of said city of Detroit. Territory annexed.

SEC. 2. The said territory so annexed to said city shall constitute one or more precincts in the seventeenth ward of said city of Detroit, the number of which precincts shall be designated by the common council of the city of Detroit. Precincts.

SEC. 3. Said common council shall provide the necessary registrars and inspectors of elections for said precinct or precincts, which said officers shall hold office until their successors are duly elected and qualified in accordance with the election laws applying to said city of Detroit. Registrars and inspectors of election.

SEC. 4. The corporate organization of the village of Fairview and all the powers and duties of the several officers thereof shall cease, and all corporate powers and authority vested in said township of Grosse Pointe, in respect to the territory hereby annexed to said city, shall cease, and thereupon all right and title to property both real and per- Corporate powers to cease.

Transfer of
control.

Transfer of
money, books,
papers, etc.

Debts and
obligations
assumed.

Suits or
actions.

Judgments.

Right to
appeal.

sonal, and all claims and demands belonging to either said village in its corporate capacity, and all right and title to real property situate within the territory hereby annexed to said city belonging to the township of Grosse Pointe in its corporate capacity shall, by virtue of this act, pass to and vest in said city. The officers of said village and township respectively shall thereupon transfer the possession and control thereof to the common council of said city, or to such officer or officers as said common council may direct. All moneys belonging to said village shall be paid over to said city, and all books, papers and documents belonging to said village shall be transferred and delivered to the common council of said city or to such officer of said city as they may direct. The circuit court for the county of Wayne may compel the delivery of all property, moneys, books, papers and documents in this act referred to by the writ of mandamus issued out of and under the seal thereof. The said city of Detroit and the village of Grosse Pointe Park shall assume and pay such part or portion of all the bonds, debts and obligations of every name and nature owing by said village at the date aforesaid, that is to say, the said city of Detroit shall assume and pay such portion of said bonds, debts and obligations as the assessed valuation of the property within the territory hereby annexed to said city bears to the whole assessed valuation of the territory of said village of Fairview as appears by the last assessment roll of said village prior to the incorporation of said village of Grosse Pointe Park, and the said village of Grosse Pointe Park shall assume and pay such portion of said bonds, debts and obligations as the assessed valuation of that part of the territory in the village of Grosse Pointe Park bears to the total valuation of the entire property of said village of Fairview as appears by said last assessment roll of said village. All suits or actions, either at law or equity, pending in any court by or against said village of Fairview, shall be revived jointly for or against the city of Detroit and the village of Grosse Pointe Park as the case may be, upon the application of any party to said suit or of said city of Detroit or said village of Grosse Pointe Park, and all suits or actions either at law or in equity, hereafter commenced upon any debt, obligation or right of action, in favor of or against said village, shall be prosecuted by or against the city of Detroit and the village of Grosse Pointe Park as the case may be. Any judgment hereafter rendered upon any such debt or obligation or in any such suit shall be paid by said city of Detroit and said village of Grosse Pointe Park in the above proportion and may be enforced as judgments against municipalities are usually enforced and as provided by law for the enforcement of judgments against the city of Detroit and villages. Any judgments that may have been rendered or any decree entered against said village of Fairview the city of Detroit and the village of Grosse Pointe Park shall, for a period of sixty

days hereafter have respectively the right to appeal and review such judgment or decree in the proper appellate court.

SEC. 5. All village taxes lawfully assessed in the territory hereby annexed to the said city shall be collected in the manner now provided by law for the collection of taxes assessed within said city of Detroit. All taxes for State, county or other purposes levied in said territory in the year nineteen hundred seven shall be equalized, levied and collected in pursuance to the general laws of the State. All moneys belonging to the township of Grosse Pointe at the date aforesaid, raised for township purposes, or thereafter collected for like purposes, on account of taxes levied and assessed, shall be apportioned between the said city and said township according to the relative valuation of the taxable property so annexed to said city assessed on the last assessment roll of said township, and the valuation of property so assessed remaining in said township. Such settlement and apportionment shall be made by agreement between the township board of said township and the common council of said city; and the amount found due upon such settlement shall be paid over to said city by the proper officers of said township. In case the said township board and the said common council shall not be able to agree upon an adjustment and settlement, the same may be made by commissioners to be appointed by the circuit court for the county of Wayne, in chancery, on petition of either party; and said court is hereby given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section, and to grant such relief in the premises as may be equitable.

Taxes, how collected, law governing.

Township moneys, how apportioned.

Township board and common council to settle.

When commissioner appointed.

SEC. 6. This act shall not change in any respect the boundaries of the first and second representative districts of the county of Wayne as they exist prior to the passage of this act, and shall not change the manner of electing representatives in such districts. The common council of the city of Detroit shall fix and establish voting precincts in said territory hereby annexed to said city whereby the electors residing within said territory may vote for representatives in the State legislature in the said second representative district of Wayne county until the next apportionment and division of said Wayne county into representative districts.

Representative districts not changed.

Voting precincts.

SEC. 7. The corporate organization of the public schools and school district within the territory so annexed to said city, and the powers and duties of the several boards and officers thereof shall cease; and thereupon all right and title to property, both real and personal, belonging to said public schools situate entirely within the said territory so annexed to said city, shall pass to and vest in the board of education of the city of Detroit; and the officers of said public schools and school district shall transfer the possession and control thereof to said board of education, or to such officer or officers as it may direct. Said board of education shall thereafter take charge of and manage and conduct the schools in said ter-

School organization within annexed territory.

Transfer of control by officers.

Transfer of
moneys, books,
papers, etc.

Bonds, debts
and obliga-
tions.

Disposition of
severed
districts.

Adjustment
and settle-
ment.

In case of
disagreement.

Act
governing.

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repealed.

ritory. All moneys and funds belonging to said public schools and school district situate entirely within the territory so annexed to said city shall be paid over by the boards and officers of said schools and school district having charge thereof to the said board of education. All books, papers and documents belonging to said public schools or school district shall also be turned over and transferred to said board of education. Said board of education shall assume and pay all bonds, debts and obligations owing by said public schools and school district situate entirely within the territory so annexed to said city.

SEC. 8. It shall be the duty of the board of school inspectors of said town of Grosse Pointe to make proper disposition of the parts of the school districts severed by this act remaining in said township. The township board of said township and the board of education of said city of Detroit shall adjust the relative rights and interests of the parts of the said school districts so severed, remaining in said township and the parts thereof embraced within the territory so annexed to said city. The value of the school property and the unexpended school money, and all debts and obligations of such districts shall be apportioned and settled according to the assessed value of the taxable property of the respective parts of the divided districts. Upon such settlement being made, if it shall appear that one party is indebted to the other party, the party so indebted shall pay such indebtedness to the party entitled thereto as soon as money applicable to such purposes can be secured. In case the said township board and said board of education shall not be able to agree upon an adjustment and settlement, the circuit court for the county of Wayne, in chancery, shall have like jurisdiction to determine an adjustment as is hereinbefore in this act provided in case of a disagreement between said township board and the common council of said city.

SEC. 9. All the provisions of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended, and all other statutes, laws and ordinances applicable to said city of Detroit shall apply to and be operative in the territory so annexed to said city, in like manner as in other territory of said city, except as in this act otherwise provided.

SEC. 10. Act number five hundred one, of the local acts of the legislature of nineteen hundred three, entitled "An act to incorporate the village of Fairview, in the township of Grosse Pointe, Wayne county," is hereby repealed.

This act is ordered to take immediate effect.

Approved October 24, 1907.

[No. 2.]

AN ACT to provide for the disposition of certain taxes collected for county road purposes in the county of Wayne under the provisions of act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, as amended.

The People of the State of Michigan enact:

SECTION 1. Within thirty days after this act takes effect it shall be the duty of the county treasurer of the county of Wayne to pay over to the township treasurer of each township, in said county, and to the city treasurer of the city of Wyandotte, in said county, the amount of the tax collected in each of said townships and in said city for county road purposes for the year nineteen hundred six, under the provisions of act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, as amended.

When refunded to city of Wyandotte and townships.

SEC. 2. It shall be the duty of the township treasurer in each of said townships and the city treasurer of the city of Wyandotte, upon application therefor, to credit each taxpayer within his township, or said city of Wyandotte, who has paid any part of said tax so collected, with the amount so paid, upon the taxes assessed and to be paid by such taxpayer for the year nineteen hundred seven; or to refund the amount so paid to such taxpayer.

Credit or refund given taxpayers.

SEC. 3. It shall be the duty of the county treasurer of the county of Wayne, upon application therefor, to credit each taxpayer within the city of Detroit who paid any part of the said county road tax so collected for the year nineteen hundred six with the amount so paid by said taxpayer, upon the taxes assessed and to be paid by such taxpayer for the year nineteen hundred seven; or to refund the amount so paid to such taxpayer.

Who to credit or refund Detroit taxpayers.

SEC. 4. In the event that any person who has paid any part of said tax has no property, real or personal, assessed for taxes for the year nineteen hundred seven in said townships or cities, then it shall be the duty of the county treasurer of said county, the city treasurer of the city of Wyandotte, and the treasurers of the several townships to pay to said person the amount so paid by him for said county road tax for the year nineteen hundred six, upon the presentation to said county treasurer, city treasurer of the city of Wyandotte and treasurers of the several townships, of the original receipt therefor, showing payment of such tax, or in default of the presentation of such receipt, it shall be the duty of the county treasurer to pay such tax to the original taxpayer, or his representative, or heirs, upon satisfactory proof of his identity and of the loss of such receipt; and where repayment of any tax is made on presentation of such receipt, or other

Persons having no property to present original receipt.

proper proofs herein provided, there shall be no further repayment made on account of the payment of the tax so repaid.

Funds
provided.

Sec. 5. The supervisors of the county of Wayne and the board of auditors of the county of Wayne are hereby directed to provide the county treasurer of the county of Wayne with the funds necessary to meet the expenses incident to the carrying out of the provisions of this act.

This act is ordered to take immediate effect.

Approved October 24, 1907.

JOINT RESOLUTIONS, 1907

EXTRA SESSION

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION authorizing the board of trustees of the Upper Peninsula Hospital for the Insane, at Newberry, to purchase one hundred twenty acres of land adjacent to the north line of the property owned by said institution.

Resolved by the Senate and House of Representatives of the State of Michigan. That the board of trustees of the Upper Peninsula Hospital for the Insane, at Newberry, be and is hereby authorized and empowered to purchase, at a cost not exceeding thirty dollars per acre, one hundred twenty acres of land adjacent to the north line of the property owned by said institution, described as follows: The north half of the southeast quarter and the northeast quarter of the southwest quarter of section thirty-six, town forty-six north, range ten west.

And be it further resolved, That said board of trustees of said institution be and hereby is authorized to pay for said one hundred twenty acres of land above described from the special appropriations made for said institution by section two of act two hundred seven of the public acts of nineteen hundred seven, entitled "An act making appropriations for the Upper Peninsula Hospital for the Insane, at Newberry, for the fiscal year ending June thirty, nineteen hundred eight, for building and special purposes and to provide a tax to meet the same."

And be it further resolved, That the Auditor General is hereby authorized to transfer not exceeding the sum of three thousand six hundred dollars for the purpose above specified from said special appropriations to a fund for the purchase of one hundred twenty acres of land.

This joint resolution is ordered to take immediate effect.

Approved October 24, 1907.

[No. 2.]

JOINT RESOLUTION authorizing the Auditor General to transfer the fund for "remodeling old farm house into hospital for contagious diseases" to the credit of the State Industrial Home for Girls, to the regular "hospital" fund for the purpose of erecting a screened porch for the use of tuberculosis patients.

Whereas the legislature of nineteen hundred five, under section two of act two hundred forty-nine, appropriated five hundred dollars for the State Industrial Home for Girls for the purpose of remodeling old farm house into hospital for contagious diseases; and

Whereas the board of guardians of said institution have not used said appropriation; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General is hereby authorized to transfer the said sum of five hundred dollars to the fund for the erection of a screened porch addition to the regular hospital building at said institution.

This joint resolution is ordered to take immediate effect.

Approved October 24, 1907.

CERTIFICATE.

MICHIGAN
DEPARTMENT OF STATE
LANSING.

I, George A. Prescott, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the extra session of the legislature of one thousand nine hundred seven was on the twenty-sixth day of October, in the year of our Lord, one thousand nine hundred seven.

[L. s.] IN WITNESS WHEREOF, I have hereunto affixed my signature and the great seal of the State, at Lansing, this twenty-ninth day of October, in the year of our Lord, one thousand nine hundred seven.

GEORGE A. PRESCOTT,
Secretary of State.

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TO THE
ACTS AND RESOLUTIONS
OF THE
STATE OF MICHIGAN

ENACTED BY THE LEGISLATURE OF 1907, IN EXTRA SESSION.

Prepared and published under the supervision of the Secretary of State in compliance
with Act No. 44, Public Acts 1899.

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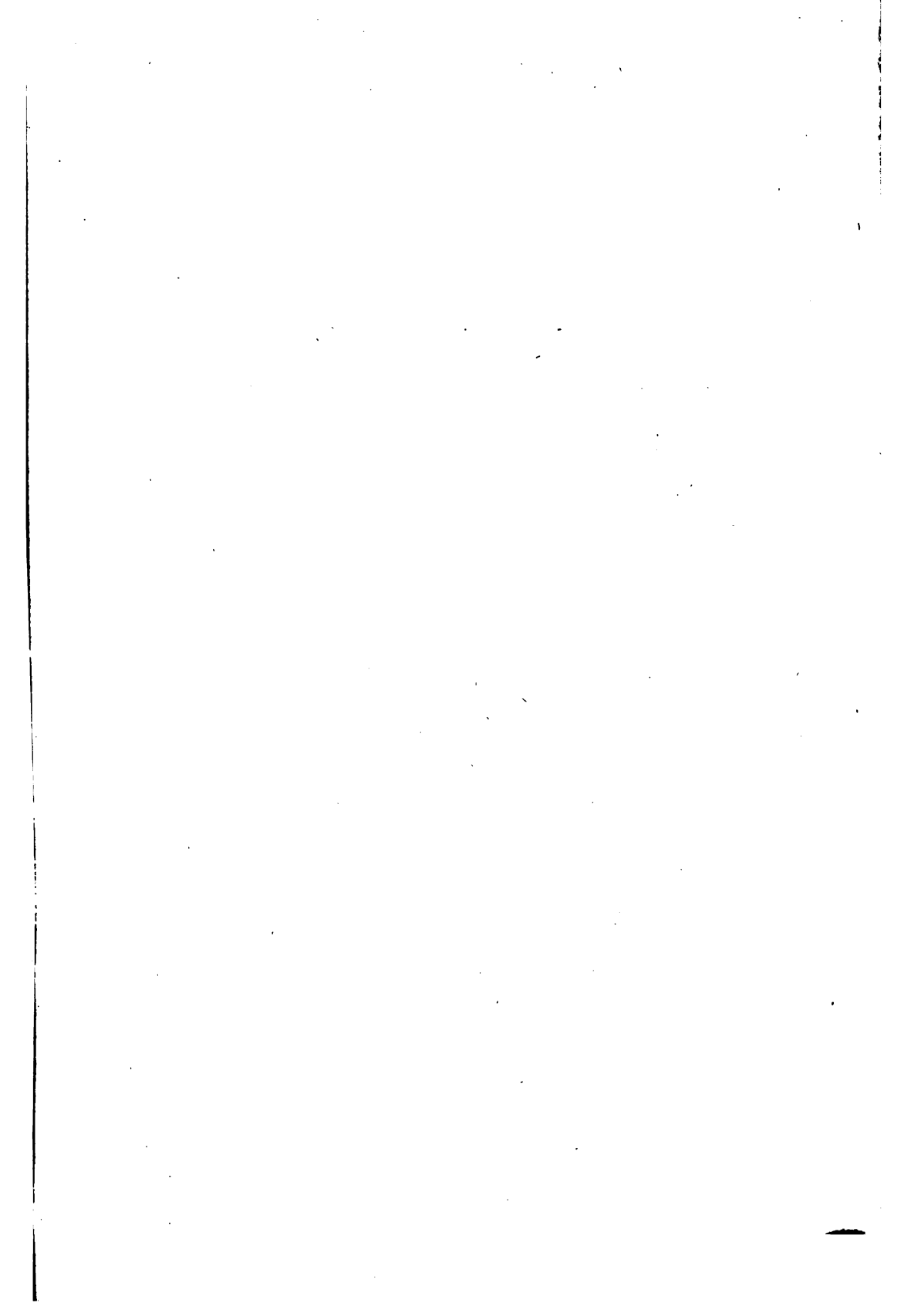
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